



# भारत का राजपत्र The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

## MINISTRY OF INDUSTRIAL DEVELOPMENT

## NOTIFICATION

New Delhi, the 25th November 1971

**S.O. 5246.**—The following draft of certain rules, which the Central Government proposes to make, in exercise of the powers conferred by section 159 of the Patents Act, 1970 (39 of 1970), is hereby published, as required by sub-section (3) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 25th January, 1972.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

## DRAFT PATENTS RULES

## PRELIMINARY

**Short title.**—These rules may be called the Patents Rules, 1971.

**Definitions.**—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Patents Act, 1970 (31 of 1970);
- (b) "appropriate office" means the appropriate office of the Patent Office as prescribed in rule 3;
- (c) "article" includes any substance or material, and any plant, machinery or apparatus, whether affixed to land or not;
- (d) "Schedule" means a Schedule to these rules;

- (e) "section" means a section of the Act;
- (f) words and expressions used, but not defined in these rules and defined in the Act shall have the meanings assigned to them in the Act.
3. **Appropriate office.**—The 'appropriate office of the Patent Office' shall—
- (i) for the purpose of making an application for the grant of a patent or for giving a notice of opposition under section 25 or any proceeding in respect of any application for a patent upto the stage of sealing a patent thereon, be the head office of the Patent Office or the branch office, as the case may be, within whose territorial limits—
- (a) the applicant resides or has his principal place of business or domicile; or
- (b) the applicant whose name is first mentioned, resides or has his principal place of business or domicile, if the application is made jointly in the names of two or more persons; or
- (c) the agent of the applicant or the party to the proceeding has his principal place of business, if the applicant or the said party has no place of business or domicile in India; and
- (ii) for all other purposes of the Act and these rules, be the head office of the Patent Office or the branch office to which particular functions have been assigned by the Controller under rule 72.
4. **Address for service.**—Every person concerned in any proceeding to which the Act or these rules relate and every patentee, shall furnish to the Controller an address for service in India and that address may be treated for all purposes connected with such proceedings or patent as the address of the person concerned in the proceedings or the patentee. Unless such an address is given, the Controller shall be under no obligation either to proceed with any matter or the application or to send any notice that may be required by the Act or these rules.
5. **Leaving and serving documents.**—(1) Any application, notice or other document authorised or required to be left, made or given at the Patent Office, or to the Controller or to any other person under the Act or these rules, may be sent by hand, or by a letter addressed to the Controller at the appropriate office through post, and if it is sent by post it shall be deemed to have been left, made or given at the time when the letter containing the same would have been delivered in the ordinary course of post. In proving such sending, it shall be sufficient to prove that the letter was properly addressed and posted.
- (2) Any written communication addressed to a patentee at his address as it appears on the register of patents or at his address for service given under rule 4, or to any applicant or opponent in any proceedings under the Act or these rules, at the address appearing on the application or notice of opposition, or given for service, shall be deemed to be properly addressed.
6. **Fees.**—(1) The fees payable in respect of the grant of patents, applications therefor and in respect of all other matters for which fees are required to be payable under the Act shall be as specified in the First Schedule.
- (2) (a) The fees payable under the Act may either be paid in cash or may be sent by money order or postal order payable to the Controller at the appropriate office or bank draft or cheque payable to the Controller, drawn on a scheduled bank at the place where the appropriate office is situate. If the fees are sent through money order or if the draft or cheque is sent by post, the fees shall be deemed to have been paid on the date when the money order or the letter would have reached the Controller in the ordinary course of post.
- (b) Cheques or drafts not including the correct amount of commission and cheques on which the full value specified therein cannot be collected in cash within the time allowed for payment of the fees, shall be accepted only at the discretion of the Controller.
- (c) Stamps shall not be received in the payment of fees.
- (d) Where a fee is payable in respect of the filing of a document, the date on which the entire fee is paid shall be deemed to be the date of filing of the document.
- (e) Where any fee paid by a person is to be returned by the Controller under any of the provisions of the Act or these rules, the amount may be sent by money

order and the commission payable therefor shall be deducted from the amount to be sent.

**7. Forms.**—The forms set forth in the Second Schedule shall be used for the purposes mentioned therein.

**8. Size etc. of documents.**—(1) All documents and copies of documents, except affidavits and drawings, sent to or left at the Office or otherwise furnished to the Controller shall be written, typewritten, lithographed, or printed in the English language (unless otherwise directed or allowed by the Controller) in large and legible characters with deep indelible ink with lines widely spaced upon one side only of strong white paper of a size of approximately 33.00 centimetres by 20.50 centimetres (13 inches by 8 inches) or 29.7 centimetres by 21 centimetres with a margin of at least four centimetres (one and a half inches) on the left-hand part thereof. Any signature which is not legible or which is written in a script other than English shall be accompanied by a transcription of the name in English block letters.

(2) Additional copies of all documents shall be filed at the Office, if required by the Controller.

(3) Names and addresses of applicants and other persons shall be given in full together with their nationality and such other particulars, if any, as are necessary for identification.

**9. Signature and verification of documents.**—The documents specified in sub-section (2) of section 128 of the Act shall be dated and signed at the foot and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person signing them.

**10. Agency.**—(1) The authorisation of an agent for the purpose of the Act shall be in Form 50.

(2) Where any authorisation has been made under sub-rule (1), service upon the agent of any document relating to any proceeding or matter under the Act shall be deemed to be service upon the person so authorising him; all communications directed to be made to a person in respect of any proceeding or matter may be addressed to such agent, and all appearances before the Controller relating thereto may be made by or through such agent.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the Controller may, in any proceeding or matter, require the personal signature or presence of an applicant, opponent or party to such proceeding or matter.

**11. Applications.**—Where in an application for a patent made by virtue of an assignment of the right to apply for a patent for the invention or such application is made by the legal representative of a deceased person who, immediately before his death was entitled to make such application, if the proof of the right to apply is not furnished along with the application, the applicant shall within a period of three months after the filing of such application furnish such proof.

**12. Order of recording applications.**—The applications made in one year shall constitute a series identified by the year given after the numbers accorded to the applications.

**13. Information and undertaking regarding foreign applications.**—(1) The statement required to be filed by an applicant under clause (a) of sub-section (1) of section 8 shall state the name, nationality and address of persons making the applications outside India, whether such applications have been accepted, refused, abandoned or withdrawn, whether any patents have been granted on such applications and also whether after the filing of the application, the rights in the application have been assigned to any other party or parties.

(2) The time within which an applicant for patent shall keep the Controller informed of details in respect of other applications in pursuance to the undertaking given by him under clause (b) of sub-section (1) of section 8 shall be three months from the date of filing of every such application in any country outside India.

**14. Specifications.**—(1) Every specification, whether provisional or complete, shall commence with the title of the invention, the name, nationality and address of the applicant as given in the application, and shall be signed and dated at the end by the applicant or his agent.

(2) A specification in respect of a patent of addition shall contain a specific reference to the number of the main patent, or the application for main patent, as the case may be, and a definite statement that the invention comprises an improvement in, or a modification of, the invention claimed in the specification of the main patent granted or applied for.

(3) Where the invention is capable of representation by drawings, such drawings shall be prepared in accordance with the provisions of rules 13 to 19 and shall be supplied with, and referred to in detail, in the specification:

Provided that in the case of a complete specification if the applicant desires to adopt the drawings lodged with his provisional specification as the drawings or part of the drawings for the complete specification, it shall be sufficient to refer to them in the complete specification as those left with the provisional specification.

(4) Irrelevant or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description, claims and drawings.

(5) Except in the case of an application (other than a convention application) which is accompanied by a complete specification, a declaration as to the inventorship of the invention shall be filed in Form 5 with the complete specification or at any time before the expiration of three months from the date of filing of the complete specification, as the Controller may allow on an application made by the applicant.

**15. Amendments to specifications.**—(1) When a provisional or complete specification or any drawing accompanying it has been received by the applicant or his agent for amendment, the necessary alterations shall be made thereon as far as possible. Additional matter may be interpolated if necessary, by rewriting such pages as are required to form a continuous document. Amendments shall not be made by slips pasted on, or as foot notes or by writing in the margin of any of the said documents.

(2) The amended documents shall be returned to the Controller together with the superseded pages or drawings, if any, duly marked, cancelled and initialled by the applicant or his agent, and copies of any pages that have been retyped or added and of any drawing that has been added or substantially amended in triplicate. Amendments, alterations or additions shall be initialled in the margin by the applicant or his agent.

(3) If the applicant or his agent contests any of the objections communicated to him by the Controller under section 14, he may request the Controller for an opportunity of being heard within one month from the date of the letter communicating such objections; provided that if an application for patent will become deemed to have been refused within the said period of one month, the Controller may, on an application from the applicant or his agent, give an opportunity of being heard within such shorter period as he thinks fit.

(4) No amendments, alterations or additions shall be made in a document returned for amendment, beyond those necessary to comply with the requirements of the Controller.

**16. Drawings.**—(1) Drawings, when furnished by the applicant otherwise than on a requisition made by the Controller, shall accompany the specification to which they relate.

(2) No drawings or sketch, which would require the preparation of a special illustration for use in the letter press of the specification when printed, shall appear in the specification itself.

(3) Drawings shall be delivered flat or so rolled as to be free from creases.

(4) At least one copy of the drawings shall be suitable for reproduction, and for that purpose, shall be prepared on tracing cloth.

(5) Mounted drawings shall not be used.

**17. Size of paper etc. on which drawings shall be furnished.**—(1) Drawings shall be on sheets which measure 33.00 centimetres (about 13 inches) from top to bottom and 21.00 centimetres or 42.00 centimetres (8½ inches or 16½ inches) wide, the narrower sheets being preferable. A clear margin of 1.50 centimetres (about ½ inch) shall be left from the edges of the sheets.

(2) If there are more figures than can be shown on any of the smaller sized sheets, two or more of such sheets shall be used in preference to using any larger sized sheet. When an exceptionally large figure is required to be drawn, it shall be continued on subsequent sheets and if necessary any number of sheets may be used. The figures shall be numbered consecutively throughout and without regard to the number of sheets used. Sufficient space shall be kept between the figures so that they may be distinct.

**18. Particulars of drawings.**—Drawings shall be prepared in accordance with the following requirements, namely:—

- (a) Drawings shall be executed with absolutely black ink.
- (b) Each line shall be firmly and evenly drawn, sharply defined and shall be of the same strength throughout.
- (c) Section lines, lines for effect and shading lines shall be as few as possible and shall not be closely drawn.
- (d) Shading lines shall not contrast too much in thickness with the general lines of the drawings.
- (e) Sections and shading shall not be represented by solid black or washes.
- (f) Drawings shall be on a scale sufficiently large to show the inventions clearly and only so much of the apparatus, machine or other matter shall appear to achieve this object. If the scale is given, it shall be drawn and not denoted by words. No dimensions shall be marked on the drawings.
- (g) The figures shall be drawn in an upright position in regard to the top and bottom of the sheet.
- (h) Reference letters and numerals and index letters, symbols and numerals used in conjunction therewith, shall be bold, distinct and not less than 0.3 centimetre (one-eighth of an inch) in height. The same letters or numerals shall be used to indicate the same parts in different views, where the reference letters or numerals are shown outside the figure, they shall be connected by fine lines with the parts to which they refer.

**19. Further particulars about designs.**—(1) Drawings shall bear:—

- (i) in the left hand top corner, the name of the applicant;
- (ii) in the right hand top corner, the number of the sheets of drawings and the consecutive number of each sheet; and
- (iii) in the right hand bottom corner, the signature of the applicant or his agent.

(2) Neither the title of the invention nor any descriptive matter shall appear on drawings.

(3) No descriptive matter shall appear on constructional drawings, but drawings in the nature of flow sheets may bear descriptive matter to show the materials used and the chemical or other reactions or treatments affected in carrying out the invention.

(4) Drawings showing the number of instruments or units of apparatus and their interconnections, either mechanical or electrical, where each such instrument or unit is shown only symbolically, may bear such descriptive matter as is necessary to identify the instruments or units or their interconnections.

(5) No drawing or sketch, graphic chemical formula or mathematical formula, symbol or equation, shall appear in the verbal part of the specification and if such drawing, formula, symbol or equation is used therein, a copy thereof, prepared in the same manner as drawings, shall be furnished if the Controller so directs.

**20. Models.**—(1) Models or samples shall be furnished only when required by the Controller.

(2) Except as permitted by the Controller, no model shall exceed twelve inches on its longest side.

(3) Samples shall be enclosed in convenient containers.

(4) Dangerous substances shall be supplied only in accordance with the directions of the Controller.

(5) Every model or sample shall be clearly and securely labelled or marked so as to identify the application to which it relates.

**21. Procedure in case of anticipation by prior publication.**—(1) If the Controller is satisfied in pursuance to an investigation made under section 13 that the invention so far as claimed in any claim of the complete specification has been published in any specification or other document referred to in clause (a) of sub-section (1) or sub-section (2) the applicant shall be so informed and shall be offered an opportunity to amend his specification.

(2) If the applicant re-files his specification and the Controller is not satisfied that the invention so far as claimed in any claim has not been published in any specification or other document referred to in sub-rule (1) and that the priority date of the claim is not later than the date on which the relevant document was published, the applicant shall be given an opportunity to be heard in the matter if he so requests.

(3) The Controller may, whether or not the applicant has re-filed his specification, appoint a hearing if he considers it desirable to do so, having regard to the time remaining for putting the application in order or other circumstances of the case.

(4) When a hearing is appointed, the applicant shall be given at least ten days' notice of the appointment or such shorter notice as appears to the Controller to be reasonable in the circumstances of the case and the applicant shall, as soon as possible, notify the Controller whether he will attend the hearing.

(5) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may prescribe or permit such amendment of the specification as he thinks fit and may refuse to accept the specification unless the amendment prescribed or permitted is made within such period as he may fix.

**22. Procedure in case of anticipation by prior claiming.**—(1) When it is found that the invention so far as claimed in any claim of the complete specification is claimed in any claim of any other complete specification falling within clause (b) of sub-section (1) of section 13 the applicant shall be so informed and shall be afforded an opportunity of amending, or submitting amendments of his specification.

(2) If the applicant's specification is otherwise in order for acceptance and an objection under clause (b) of sub-section (1) of section 13 is outstanding, the Controller may accept the specification and allow a period of two months from the date of its publication for removing the objection.

(3) If an objection under clause (b) of sub-section (1) of section 13 is communicated to the applicant after acceptance of the specification, a period of two months from the date of the communication shall be allowed for removing the objection.

**23. Amendment of the complete specification in case of anticipations.**—(1) If the applicant so requests at any time, or if the Controller is satisfied that the objection has not been removed within the period prescribed by rule 22, a date for hearing the applicant shall be fixed and the applicant shall be given at least ten days' notice of the date so fixed. The applicant shall, as soon as possible, notify the Controller whether he will attend the hearing.

(2) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may prescribe or permit such amendment of the specification as will be to his satisfaction and may direct that reference to such other specification as he shall mention shall be inserted in the applicant's specification unless the amendment is made or agreed to within such period as he may fix.

**24. Extension of the period specified in rules 22 and 23.**—The periods mentioned in rules 22 and 23 may be extended if a request for such extension is made before the expiry of such period or the extended period; so, however that the total extension of either period allowed under this rule shall not exceed six months.

**25. Form of reference to another specification.**—When in pursuance of rule 23, the Controller directs that a reference to another specification shall be inserted in the applicant's complete specification, the reference shall be inserted after the claims and shall be in the following form, namely:—

"Reference has been directed, in pursuance of section 18(2) of the Patents Act, 1970, to specification No.

**26. Procedure in case of potential infringement.**—If in consequence of an investigation made under the provisions of section 13 or under section 25, it appears to the Controller that the applicant's invention cannot be performed without substantial risk of infringement of a claim of another patent, the applicant shall be so informed and the procedure provided in rules 22 to 24 shall be applicable.

**27. Form of reference to another patent.**—Where the Controller directs that reference to a patent shall be inserted in the applicants' complete specification by way of notice under sub-section (1) of section 19 such reference shall be inserted after the claims in the following form, namely:—

"Reference has been directed in pursuance of section 19(1) of the Patents Act, 1970, to patent No. ."

**28. Form of application under sub-section (2) of section 19.**—An application under sub-section (2) of section 19 for the deletion of a reference inserted pursuant to a direction under sub-section (1) of section 19 shall be made in Form 7 stating fully the facts relied upon in support of the application.

**29. Application of rules 22 to 27 in respect of proceedings subsequent to the grant of patent.**—In the application of rules 22 to 27 to proceedings subsequent to the grant of the patent references to the applicant shall be construed as references to the patentee.

**30. Manner in which a claim under section 20(1) shall be made.**—(1) A claim under sub-section (1) of section 20 shall be made in Form 12 and shall be accompanied by a certified copy of any assignment or agreement upon which the claim is based

(2) The original assignment or agreement shall also be produced for the Controller's inspection, and the Controller may call for such other proof of title or written consent as he may require.

**31. Manner in which a request may be made.**—(1) A request under sub-section (4) of section 20 shall be made in Form 13 and shall be accompanied by a statement setting out fully the facts upon which the applicant or applicants rely and the directions sought for.

(2) The request shall be endorsed by the legal representative of the deceased joint applicant consenting that the directions sought for by the applicants may be given by the Controller.

(3) The request shall be accompanied by proof of death of the joint applicant and a certified copy of the probate of the will of the deceased or letters of administration in respect of his estate or any other document to prove that such legal representative is competent to give his consent.

**32. Manner of application under section 20(5).**—An application under sub-section (5) of section 20 shall be made in Form 14 and shall be accompanied by a statement setting out fully the facts upon which the applicant relies and the directions which he seeks.

(2) A copy of the application and statement shall be sent by the Controller to every other joint applicant and the person making the application shall supply sufficient number of copies for that purpose.

**33. Numbering of applications on acceptance of the complete specification.**—On the acceptance of a complete specification filed in respect of an application made after the commencement of the Act, the application shall be accorded a new number (called serial number) in the series of numbers accorded to patents under the Indian Patents and Designs Act, 1911 (2 of 1911) which shall be the number of the patent which may be sealed on the relevant application.

**34. Inspection of application, specification etc.**—After the date of the complete publication of a complete specification, the application together with the provisional specification or specifications or the drawings and documents (if any) filed may be inspected at the Patent Office free of charge.

**35. Manner of application for extension of time under section 25(1).**—(1) An application for extension of time for giving notice of opposition to the grant of a patent under sub-section (1) of section 25 shall be left at the appropriate office within four months from the date of advertisement of the acceptance of the complete specification stating the reasons for the grant of extension of time.

(2) The application for extension of time shall be filed in triplicate.

(3) One copy of the application for extension of time shall be sent by the Controller to the applicant for Patent.

**36. Filing of notice of opposition.**—The notice of opposition to be given under sub-section (1) of section 25 shall be sent to the Controller in triplicate within four months from the date of advertisement of the acceptance of a complete specification or within such extended time as the Controller may allow under sub-section (1) of section 25.

**37. Particulars to be contained in a notice of opposition.**—(1) The notice of opposition to the grant of a patent shall be accompanied by a written statement in triplicate setting out fully the nature of the opponent's interests, the facts upon which he bases his case and the relief which he seeks.

(2) The Controller shall furnish the applicant with a copy each of the notice of opposition and the written statement filed by the opponent.

**38. Time for filing reply statement.**—If the applicant desires to contest the opposition, he shall leave at the appropriate office a reply statement setting out fully the grounds upon which the opposition is contested, within a period of three months from the date of receipt of the copy of the notice and the written statement by him under rule 37 and deliver to the opponents a copy thereof.

**39. Time for leaving evidence of opponent.**—The opponent may, within three months from the date of delivery to him of the copy of the applicant's reply, leave at the appropriate office evidence in support of his case and shall deliver to the applicant a copy of the evidence.

**40. Time for leaving applicant's evidence.**—Within three months from the date of delivery of the copy of the opponents evidence or if the opponent does not file any evidence within three months from the expiration of time within which the opponent's evidence might have been left, the applicant may leave at the appropriate office evidence in support of his case and shall deliver to the opponent a copy thereof.

**41. Reply evidence by opponent.**—The opponent may, within three months from the date of delivery to him of a copy of the applicant's evidence, leave at the appropriate office evidence in reply strictly confined to matters in the applicant's evidence and shall deliver to the applicant a copy of such evidence.

**42. Further evidence to be left with the leave of the Controller.**—No further evidence shall be delivered by either party except by leave or direction of the Controller.

**43. Number of copies to be supplied of documents.**—(1) Copies of all documents other than Indian patent specifications referred to in the notice of opposition or in any statement or evidence filed in connection with the opposition authenticated to the satisfaction of the Controller, shall be furnished in triplicate, unless the Controller otherwise directs. Such copies shall accompany the notice, statement or evidence in which they are referred to.

(2) Where a specification or other document in a language other than English is referred to in the notice, statement or evidence, an attested translation thereof, in triplicate, in English shall be furnished.

**44. Extension of time.**—The time allowed for filing written statement of opposition, reply statement or evidence shall not ordinarily be extended, except by a special order of the Controller given on a petition made by the party seeking extension of time.

**45. Hearing.**—(1) On the completion of the presentation of evidence, if any, or at such other time as the Controller may think fit, he shall appoint a time for the hearing of the opposition and shall give the parties not less than ten days' notice.

(2) If either party desires to be heard, he shall inform the Controller.

(3) The Controller may refuse to hear any party who has not informed him under sub-rule (2) about the desire to be heard.



(4) If either party intends to refer at the hearing to any publication not already mentioned in the notice, statement or evidence he shall give to the other party and to the Controller not less than five days' notice of his intention, together with details of each publication to which he intends to refer.

(5) After hearing the party or parties desirous of being heard, or if neither party desires to be heard, then without a hearing the Controller shall decide the opposition and notify his decision to the parties giving reasons therefor.

**46. Determination of costs.**—If the applicant notifies the Controller that he does not desire to proceed with the application after notice of opposition is given, the Controller in deciding whether costs should be awarded to the opponent, shall consider whether opposition might have been avoided if the opponent had given reasonable notice to the applicant before the notice of opposition was given to the Controller.

**47. Refusal of patent without opposition.**—If at any time after the acceptance of a complete specification and before the grant of the patent, it comes to the notice of the Controller otherwise than in consequence of proceedings in opposition to the grant, that the invention so far as claimed in any claim of the complete specification has been published in any specification or any other document falling within section 27, the applicant shall be so informed and shall be allowed a period of two months within which to submit such amendment of his specification as will be to the Controller's satisfaction.

**48. Procedure to be followed.**—(1) If the specification has not been amended to the satisfaction of the Controller within the period allowed under rule 50, including any extension thereof which the Controller may allow, a time for hearing the applicant shall be appointed, and the applicant shall be given at least ten days' notice of the appointment, and shall as soon as possible, notify the Controller whether he will attend the hearing. t

(2) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may prescribe or permit such amendment of the specification as will be to his satisfaction and may refuse to grant a patent unless the amendment is made or agreed to within two months from the date of his order.

**49. Extension of time.**—The periods mentioned in rules 47 and 48 may be extended if a request for such extension is made at any time within the extended period specified in the request, provided that the total extension of either period allowed under this provision shall not exceed two months.

**50. Manner of request under section 28(2).**—A request under sub-section (2) of section 28 shall be made in Form 19 and shall be accompanied by a statement setting out the facts relied upon.

**51. Manner of making a claim under section 28(3).**—A claim under sub-section (3) of section 28 shall be made in Form 20 and accompanied by a statement setting out fully the facts relied upon.

(2) A copy of the claim made and of the statement shall be sent by the Controller to every applicant for the patent (not being the claimant) and to any other person whom the Controller may consider to be interested and the claimant shall supply sufficient number of copies for the purpose.

(3) Thereafter the provisions of rules 36—45 will apply.

**52. Form of application to be made under sub-section (7) of section 28.**—(1) An application under sub-section (7) of section 28 for a certificate shall be made on Form 21 and shall be accompanied by a statement setting out fully the facts relied upon.

(2) A copy of the application and of the statement shall be sent by the Controller to each patentee or the applicant for patent, as the case may be, (not being the applicant), to the person mentioned as the actual deviser, and to any other person whom the Controller may consider to be interested and the applicant shall supply sufficient number of copies for that purpose.

(3) Thereafter the provisions of rule 36—45 will apply.

**53. Mention of Inventor.**—Any mention of the inventor under sub-section (1) of section 28 shall be made in the patent after the name of the Controller, and on

the complete specification at the head of Form 3A and may be in the following form, namely:—

"The inventor of this invention/substantial part of this invention in the sense of being the actual deviser thereof within the meaning of section 28 of the Patents Act, 1970 is.....of....."

**54. Communication of result of re-consideration under section 36(2).—**The result of every re-consideration made under sub-section (1) of section 36 shall be communicated in writing by the Controller to the applicant for patent within fifteen days of the receipt thereof from the Central Government.

**55. Extension of time on revocation of secrecy directions under section 35.—**The extension of time to be given for doing anything required or authorised to be done under section 38 shall not exceed the period for which directions given by the Central Government under sub-section (1) of section 35 were in force..

**56. Sealing of patents.—**(1) A request under sub-section (1) of section 43 shall be made on Form 27.

(2) The period within which a request for the sealing of a patent may be made under clause (a) of the proviso to sub-section (2) of section 43 shall be two months after the final determination of the proceedings referred to in that clause.

(3) An application under sub-section (3) of section 43 shall be made in Form 28.

**57. Form of Patent.—**A patent shall be in the form as specified in the Fourth Schedule with such modifications as the circumstances of each case may require and shall bear the number accorded to the application under rule 33.

**58. Amendment of patent under section 44.—**An application under section 44 for the amendment of a patent shall be made in Form 23 and accompanied by evidence verifying the statements therein and by the patent.

**59. Manner of applying for directions under section 51(1).—**(1) An application for directions under sub-section (1) of Section 51 shall be made in Form 24 and shall be accompanied by a statement setting out fully the facts upon which the applicant relies and the directions which he seeks.

(2) A copy of the application and of the statement shall be sent by the Controller to every other person registered as grantee or proprietor of the patent and the applicant shall supply sufficient number of copies for that purpose.

**60. Manner of application under section 51(2).—**(1) An application for directions under sub-section (2) of section 51 shall be made in Form 25 and shall be accompanied by a copy thereof and a statement (in duplicate) setting out the facts upon which the applicant relies and the directions which he seeks.

(2) An application under this rule shall be made within three months from the revocation of a patent or amendment of a complete specification referred to in sub-section (1) of section 51.

(3) A copy of the application and statement shall be sent by the Controller to the person in default.

**61. Manner of application under section 52(2).—**(1) An application under sub-section (2) of section 52 shall be made within three months from the revocation of a patent or amendment of the complete specification referred to in sub-section (1) of the said section accompanied by a statement setting out fully the facts upon which the petitioner relies and the relief he claims and a certified copy of the judgment and decree of the court provided that time taken for obtaining a certified copy of the judgment and decree of the court shall be excluded in calculating the said period of three months.

(2) Where the court has permitted grant of patent to the petitioner only for part of the invention, the new patent granted shall be accorded a number in the same series of numbers accorded to complete specifications accepted on the same day as the patent is granted.

**62. Renewal fees.—**(1) If it is desired to keep a patent in force, at the expiration of the second year from the date of the patent or of any succeeding year during the term of the patent the renewal fees specified in the First Schedule hereto shall be remitted to the head office of the Patent Office before the expiration of the year.

Provided that if a patent is sealed after the expiration of the second or any succeeding year the prescribed renewal fee in respect of the third or any succeeding year, may be paid at any time before the expiration of three months from the date of entering the grant of the patent in the Register of Patents.

(2) While paying the renewal fee, the number of the patent concerned and the year of its term in respect of which the fee is paid shall be quoted.

(3) The prescribed annual renewal fees may be paid in advance.

(4) A request for extension of time for payment of any renewal fee shall state the period of extension required and the reasons therefor.

(5) The Controller shall on crediting any renewal fees duly paid in respect of a patent, issue a certificate that the fee has been paid.

**63. Amendment of application or specification.**—(1) An application under section 57 for the amendment of an application for a patent or a complete specification including drawings, if any, shall state the nature of and reason for such amendment in such manner as to indicate clearly the alterations desired and shall be accompanied by a copy of the application, specification or drawings, as the case may be, showing the proposed amendment in red ink.

(2) If the application relates to an application for a patent which has not been accepted, the Controller shall determine whether and subject to what conditions, if any, the amendment shall be allowed.

(3) (a) If the application for amendment under section 57 is made after the acceptance of the complete specification, the application for amendment and the nature of the proposed amendment shall be advertised by the Controller by notification in the Official Gazette and by the applicant in such other manner as the Controller may in each case, direct. The Controller shall also notify all the persons who in his opinion, may have an interest in the matter.

(b) Any person desirous of opposing the application for amendment shall give to the Controller a notice of his intention to oppose, within three months from the date of advertisement of the application in the Official Gazette.

(c) Rules 37—45 shall be applicable to the disposal of any opposition to amendment under the rule.

**64. Preparation of amended specifications and drawings.**—Where a Controller allows the application for the patent or the complete specification to be amended, the applicant shall, if the Controller so requires, and within the time to be specified by him, leave at the appropriate office a new specification and amended drawings prepared in accordance with the provisions of these rules.

**65. Advertisement of the amendments allowed.**—Amendments allowed by the Controller after a complete specification has been accepted, shall be advertised by him in the Official Gazette.

**66. Restoration of patents.**—(1) An application for the restoration of a patent under section 60 shall be made on Form 32 and shall be accompanied by evidence in support of the statements made in the application.

(2) Upon consideration of the application and the evidence if the Controller is not satisfied that a *prima facie* case for restoration of the patent has been made out, he shall notify the applicant accordingly and unless within one month the applicant requests to be heard in the matter, the Controller shall refuse the application.

(3) If the applicant requests for a hearing within the time allowed, the Controller after giving the applicant an opportunity of being heard shall determine whether the application may be proceeded with or whether it shall be refused.

(4) If the Controller is *prima facie* satisfied that the failure to pay the renewal fees was unintentional, he shall advertise the application in the Official Gazette.

**67. Opposition to restoration.**—(1) At any time within two months of the advertisement of the application in the Official Gazette any person may give notice of opposition thereto and such notice shall be accompanied by a copy thereof and shall be supported by a statement (in duplicate) setting out fully the nature of the opponent's interest and the facts upon which he relies.

(2) A copy of the notice and the statement shall be sent by the Controller to the applicant.

(3) Procedure for disposal of opposition shall be in accordance with the provisions of rules 37 to 45.

**68. Payment of unpaid renewal fees.**—(1) If the Controller decides in favour of the applicant, the applicant shall pay the unpaid renewal fees and the additional fee specified in the First Schedule within a month from the date of the order allowing the application for restoration.

(2) The Controller shall advertise in the Official Gazette his decision on the application.

**69. Conditions to be imposed on restoring a patent.**—In every order of the Controller restoring a patent the following provision shall be inserted for the protection of persons who have begun to avail themselves of the patented invention between the date when the patent ceased to have effect and the date of the advertisement of the application for restoration of the patent:—

“(1) No action or other proceeding shall be commenced or prosecuted nor any damage recovered in respect of any manufacture, use, or sale of the invention the subject of the patent in the interim period as hereinafter defined by any person not being a licensee under the patent at the date when it ceased to have effect, the—, who after such date and before the—, the date of the advertisement of the application for restoration, has made, used, exercised or sold the invention the subject of the patent or has manufactured or installed any plant, machinery or apparatus claimed in the specification of the patent or for carrying out a method or process so claimed. Any such person shall be deemed to have so acted with the licence of the patentee and shall thereafter be entitled to continue to make, use, exercise or sell the invention without infringement of the patent to the extent hereinafter specified that is to say:—

(a) In so far as the complete specification of the patent claims an article [other than plant, machinery or apparatus or part thereof as specified under head (b) hereof] and any article so claimed has been manufactured by him during the said interim period that particular article may at all times be used or sold.

(b) In so far as the complete specification claims any plant, machinery or apparatus or part thereof for the production of an article then any particular plant, machinery or apparatus or part thereof so claimed, which has been manufactured or installed by him during the said interim period, and the products thereof, may at all times be used or sold and so that in the event of any such plant, machinery, apparatus or part thereof being impaired by wear or tear or accidentally destroyed, alike licence shall extend to any replacement thereof and to the products of such replacement.

(c) In so far as the complete specification claims any process for the making or treating of any article, any particular plant, machinery or apparatus which during the said interim period has been manufactured or installed by him or exclusively or mainly used by him for carrying on such method or process may at all times be so used or continued to be so used and the products thereof may at all times be used or sold and so that in the event of any such plant, machinery or apparatus being impaired by wear or tear or accidentally destroyed alike licence shall extend to such method or process when carried on in any replacement of such plant, machinery or apparatus and to the products of the process so carried on.

(2) Any person not being a licensee under the patent at the date when it ceased to have effect, may, within one month from the date of this order make an application for compensation in respect of the money, time and labour expended by him in availing of the invention of the patent in the *bona fide* belief that such patent had ceased and continue to remain ceased. If it is decided that the application ought to be allowed the party by whom and the date on which the compensation shall be paid shall be specified. If any default is made in payment of the sum awarded, then the patent shall become void and the sum awarded shall not in that case be recoverable as debt or damages.

- (3) In the foregoing paragraph 1 "article" has the same meaning assigned to it in rule 2 and "the interim period" means the period between the date when the patent ceased to have effect and the date of this order".

**70. Surrender of Patents.**—(1) A notice of an offer for the surrender of a patent by a patentee under section 63 shall be on Form 33 and shall be advertised in the Official Gazette.

(2) Any person interested may within three months from the date of advertisement of the notice of surrender in the Official Gazette give to the Controller notice of his intention to oppose it.

(3) Notice of opposition to the revocation of the patent offered for surrender shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the opponent's interest, the facts upon which he relies and the relief which he seeks, within three months from the date of the advertisement.

(4) A copy of the notice and of the statement shall be sent by the Controller to the Patentee and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 38—45.

(5) If the Controller accepts the patentee's offer to surrender the patent he may direct the patentee to return the patent and on receipt of such patent the Controller shall revoke it and notify the revocation of the patent in the Official Gazette.

**71. Register of Patents.**—(1) Upon the sealing of a patent the Controller shall enter in the register the name, address and nationality of the grantee as the patentee thereof, the title of the invention, the date of the patent and the date of the sealing thereof, together with his address for service.

(2) The Controller shall also enter in the register particulars regarding the proceedings under the Act before the Controller and the Courts and proceedings under the rules.

**72. Registration of title and interest in patents.**—(1) An application referred to in sub-section (1) of section 69 shall be made:—

- (a) by a person becoming entitled to a patent or a share in it on Form 35;
- (b) by a mortgagee or licensee on Form 36;

(2) An application referred to in sub-section (2) of section 69 shall be made:—

- (a) by the assignor on Form 37;
- (b) by a mortgagee or licensee on Form 36;

(3) An application for entry in the register of notification of any other document purporting to affect the proprietorship of a patent by the person benefiting under the document on Form 39.

**73. Registration of documents under section 69.**—An application for registration of a document under section 69 shall contain the name, address and nationality of the person claiming to be entitled, together with full particulars of the instrument or document, under which he claims.

**74. Presentation of assignment etc. of patent to Controller.**—Every assignment and every other document containing, giving effect to or being evidence of the transmission of a patent or affecting the proprietorship thereof as claimed in such application, shall, unless the Controller otherwise directs, be presented to him together with the application which shall be accompanied by two copies of the assignment or other document certified to be true copies by the applicant or his agent and the Controller may call for such other proof of title or written consent as he may require for his satisfaction:

Provided that in the case of a document which is a public document, two official or certified copies thereof may be presented.

**75. Registration of title of the transferee of patent.**—After the receipt of an application under sub-section (1) or sub-section (2) of section 69, the Controller

shall register the document or the title of the applicant, as the case may be, and an entry in the following form shall be made in the register, namely:—

“In pursuance of an application received on the \_\_\_\_\_

<u>proprietor</u> <u>registered as licensee</u> by virtue of <u>mortgagee</u> <u>etc.</u>	<u>assignment</u> <u>licence</u> <u>mortgage deed</u> <u>etc.</u>
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dated \_\_\_\_\_ and made between \_\_\_\_\_ of the one part  
 and \_\_\_\_\_ of the other part”.

**76. Entry of renewal fee.**—Upon the issue of a certificate of the payment of the prescribed renewal fee in respect of a patent, the Controller shall enter in the register of patents the fact that the fee has been paid and the date of payment of such fee as stated in the certificate.

**77. Alteration of address.**—(1) A patentee may request the Controller for the alteration of his name, nationality, address or address for service entered in the register of patents in respect of any patent granted to him. The Controller may require such proof of the alteration as he may think fit, before acting on a request to alter a name or nationality.

(2) If the Controller allows a request, he shall cause the register to be altered accordingly.

(3) If a patentee makes a request for entering an additional address for service and if the Controller is satisfied that the request should be allowed, he shall have the additional address for service entered in the register subject to the condition that not more than two addresses for service shall be entered in the register at any one time.

**78. Inspection of register of patents and fee therefor.**—The Register of Patents shall be open to the inspection by the public all times when the office is open to the public, except at times when they are required for actual official use.

A copy of the register shall be available for inspection at each branch of the Patent Office.

The inspection shall be on payment of the fees specified thereof in the First Schedule.

**79. Assignment of functions by the branches of the Patent Office.**—The Controller shall, by notification in the Official Gazette, specify the functions of the branch offices and the matters which shall be dealt with by the branch offices.

**80. Address of all communications.**—(1) All communications in relation to any proceeding under the Act or these rules shall be addressed to the Controller of Patents at the appropriate office.

(2) The applicant or a party to any other proceeding or his agent shall put in a personal attendance if required by the Controller or other officers.

**81. Correction of clerical errors.**—A request for the correction of a clerical error in an application for a patent or in any document filed in pursuance of such an application or in any patent or in the register shall be made in Form 42 in duplicate and accompanied by two copies of the document indicating the correction required clearly in red ink and the suitable fees thereof specified in the First Schedule.

**82. Manner of advertisement of the proposed correction of any error in a patent.**—Where the Controller requires a notice of the nature of the proposed correction to be advertised, the request and the nature of the proposed correction shall be published in the Official Gazette, and the person making the request shall also serve copies of the request and the copies of the document showing the proposed corrections to such persons who in the opinion of the Controller may be interested in the patent or application for patent as the case may be.

**83. Manner and time of opposition to the making of correction.**—(1) Any interested person may, at any time within one month from the date of the advertisement in the Official Gazette, give notice to the Controller of opposition to the proposed correction.

(2) Such notice of opposition shall be accompanied by a copy thereof and shall be supported by a statement (in duplicate) setting out fully the nature of the opponent's interest, the facts on which he relies and the relief which he seeks.

(3) A copy of the notice and of the statement shall be sent by the Controller to the person making the request, and thereafter the provisions of rules 37-44 shall apply.

**84. Notification of correction.**—The Controller shall notify the applicant and the opponent, if any, of the corrections made in the relevant document.

**85. Form, etc. of affidavits.**—(1) The affidavits required by the Act and the rules to be filed at the Patent Office or furnished to the Controller shall be headed in the matter or matters to which they relate, shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, as far as practicable be confined to one subject. Every affidavit shall contain the description and the true place of abode of the person making the same, shall bear the name and address of the person making it and shall state on whose behalf it is made.

(2) Where two or more persons join in an affidavit, each of them shall depose separately to such facts which are within his personal knowledge and those facts shall be stated in separate paragraphs.

(3) Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except in interlocutory matters, where statements of belief of the deponent may be admitted, provided that the grounds thereof are given.

(4) Affidavits shall be made and subscribed to as follows:—

(a) In India—before any court or person having by law authority to receive evidence, or before any officer empowered by such court as aforesaid to administer oaths or to take affidavits;

(b) in any country or place outside India—before a diplomatic or consular officer, within the meaning of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, of such country or place or before a notary of the country or place if the Central Government has recognised under section 14 of the Notaries Act, 1952, the Notarial acts done by notaries, within such country or place.

(5) The person before whom an affidavit is sworn to shall state the date on which and the place where the same is sworn to and shall affix thereto his seal, if any, or the seal of the court to which he is attached, thereto and sign his name and state his designation and address at the end thereof.

(6) Any affidavit purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorized by sub-rule (4) to take an affidavit, in testimony of the affidavit having been taken before him, may be admitted by the Controller without proof of the genuineness of the seal or signature, or of the official character of that person.

(7) Alterations and interlineations shall, before an affidavit is sworn to or affirmed, be authenticated by the initials of the person before whom the affidavit is sworn to.

(8) Where the deponent is illiterate, blind or unacquainted with the language in which the affidavit is written, a certificate by the person before whom the affidavit is sworn to that the affidavit was read, translated or explained in his presence to the deponent, that the deponent seemed perfectly to understand it and that the deponent signed the affidavit or affixed his mark in his presence, shall appear in the jurat.

(9) Every affidavit filed before the Controller in connection with any of the proceedings under the Act or the rules shall be duly stamped under the law for the time being in force.

**86. Exhibits.**—Where there are exhibits to affidavits filed in an opposition or any other proceeding a copy of impression of each exhibit shall be supplied to the other party on his request and at his expense; if copies or impressions of the exhibits cannot conveniently be furnished, the originals shall be left with the Controller and shall be available for inspection by the interested party by prior appointment. The exhibits in original if not already left with the Controller shall be produced at the hearing.

**87. Directions not otherwise prescribed.**—Where in the opinion of the Controller, it is necessary for the proper prosecution or completion of any proceedings under the Act or the rules for a person to perform an act, file a document or produce evidence, which is not provided for by the Act or the rules, the Controller may, by notice in writing require the person to perform the act, file the document or produce the evidence specified in the notice.

(2) Whether an applicant or party to a proceeding desires to be heard or not, the Controller may at any time require him to submit his statement in writing giving such information as the Controller may deem necessary within the time specified by him.

**88. Exercise of discretionary power by Controller.**—Before exercising any discretionary power given to him by the Act or these rules adversely to an applicant for a patent or for amendment of a specification or a party to any other proceeding under the Act or the rules, the Controller shall give at least ten days' notice to the applicant or the party, of the time when he may be heard. The period within which an applicant may require an opportunity of being heard shall ordinarily be one month:

Provided that if the giving of ten days' notice by the Controller or requiring an opportunity of being heard within one month would cause an application for a patent to be deemed to have been refused before the hearing, the Controller may give such shorter notice or reduce the period as he may deem fit.

**89. Application for review of Controller's decision.**—(1) An application to the Controller for the review of his decision under clause (f) of sub-section (1) of section 77 shall be made in form 59 within one month from the date of such decision or within such further period not exceeding one month thereafter as the Controller may on request allow and shall be accompanied by a statement setting forth the grounds on which the review is sought. Where the decision in question concerns any other person in addition to the applicant, the said application shall be left in triplicate. The Controller shall forthwith transmit a copy of each of the application and the statement to the other person concerned.

(2) **An application for setting aside the order passed ex-parte.**—An application to the Controller for setting aside an Order passed by him ex-parte, under clause (g) of sub-section (1) of section 77 shall be made in Form 58 within one month from the date of the Order or within such further period not exceeding one month as the Controller on request may allow and shall be accompanied by the statement setting forth the grounds on which the application is based. The application and the statement shall be left in triplicate and the Controller shall forthwith transmit a copy each of the application and the statement to the other person concerned.

**90. Application for compulsory licence etc.**—An application to the Controller for an order under sections 84, 86, 89, 96 and 97 for the grant of a compulsory licence or for endorsement of a patent with the words "Licence of Rights" or the revocation of a patent for non-working as the case may be, shall set out fully the grounds on which it is made, the facts on which it is based and the relief which he seeks. The application shall be accompanied by evidence in support of the application. Except in the case of an application made by the Central Government under section 86 or 89. The application shall set out fully the nature of the applicant's interest and the terms and conditions of the licence the applicant is willing to accept.

**91. When the prima facie case is not made out.**—(1) If, upon consideration of the evidence, the Controller is not satisfied that a *prima facie* case has been made out for the making of an Order under Section 84(1), 86(1), 89(1), 96(1) or 97(1) of the Act, as the case may be, he shall notify the applicant accordingly, and unless, within one month, the applicant requests to be heard in the matter, the Controller shall refuse the application.

(2) If the applicant requests a hearing within the time allowed, the Controller, after giving the applicant an opportunity of being heard, shall determine whether the application may be proceeded with or whether it shall be refused.

**92. Time for giving of notice of opposition under Section 92(2).**—The time within which a notice of opposition under sub-section (2) of section 92 may be given, shall be two months from the date of the advertisement of the application under sub-section (1) of said section.



(2) The notice of opposition to an application under sections 84(1), 96(1) or 97(1) shall include the terms and conditions of the licence, if any, the opponent is prepared to grant to the applicant shall be given in duplicate and shall be accompanied by evidence in support of the opposition.

(3) The opponent shall serve a copy of his notice of opposition and evidence on the applicant at the same time and notify the Controller when such service has been effected.

(4) No further statement or evidence shall be delivered by either party except by leave of or on requisition by the Controller.

(5) On completion of the aforesaid proceedings or at such other time as he may deem fit the Controller shall appoint a date and time for the hearing of the case and shall give the parties not less than twenty days' notice of such hearing:—

**93. Manner of advertisement of the revocation order.**—The Controller shall advertise in the Official Gazette the order made by him under sub-section (3) of section 89 revoking the patent.

**94. (1)** An application under section 93(5) for the revision of the terms and conditions of a licence which have been settled by the Controller shall state the facts relied upon by the applicant and the relief sought and shall be accompanied by evidence in support of the application.

(2) If the Controller is not satisfied that a *prima facie* case has been made out for the revision of terms and conditions of the licence, he may notify the applicant accordingly and unless within a month the applicant requests to be heard in the matter the Controller may refuse the application.

(3) If the applicant requests a hearing within the time allowed, the Controller after giving him an opportunity of being heard shall determine whether the application shall be proceeded with or whether the application shall be refused.

**95. Procedure to be followed in case of applications under section 93(5).**—

(1) If the Controller allows the application to be proceeded with he shall direct the applicant to serve copies of the application and of the evidence in support thereof upon the patentee or any other person appearing in the register to be interested in the patent or upon any other person on whom in his opinion such copies should be so served.

(2) The applicant shall inform the Controller the date on which the service of copies of application and of the evidence on the patentee and other persons referred to in sub-rule (1) has been effected.

(3) The patentee or any other person on whom copies of the application and of the evidence have been served, may give to the Controller notice of opposition within two months from the date of service. Such notice shall be given in duplicate and shall contain the grounds relied upon by the opponent and shall be accompanied by evidence in support of the opposition.

(4) The opponent shall serve copies of the notice of opposition and his evidence on the applicant and inform the Controller the date on which such service has been effected.

(5) No further evidence or statement shall be filed by either party without special leave of requisition by the Controller.

(6) On completion of the above proceedings or at such other time as he may deem fit, the Controller shall appoint a date and the time for the hearing of the case and shall give the parties not less than twenty days' notice of such hearing.

**96. Amendment of licence already granted.**—If the Controller decides to revise the terms and conditions of licence he shall amend the licence granted to the applicant in such manner as he may deem necessary.

**97. Manner of application under section 88(2).**—An application under sub-section (2) of section 88 for settling the terms of the licence shall contain a statement of negotiations made between the applicant and the patentee and the terms and conditions of the licence he is willing to accept and shall be filed

in duplicate. The application shall be accompanied by evidence in duplicate in support thereof.

(2) In the case of applications in respect of patents referred to in sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (1) of section 87 a statement containing an estimate of net-ex-factory sale price in bulk of the patented article and all the information relevant thereto with evidence in support thereof shall also be filed along with the application.

(3) The Controller shall send one copy of the application, the statement, if any, referred to in sub-rule (2) and the evidence to the patentee and direct him to file a statement containing the terms and conditions of the licence he is prepared to grant to the applicant, within one month from the date of sending the said copies and at the same time serve a copy of the statement on the applicant and communicate the date of such service on the applicant.

(4) In the case of an application in respect of a patent referred to in sub-rule (2) the Controller may also direct the patentee to furnish a similar statement in reply and evidence in support thereof.

(5) The Controller shall give the parties an opportunity of being heard within one month from the date of service of the patentee's statement or statements and evidence on the applicant.

(6) The Controller in setting the terms of royalty and other remuneration reserved to the patentee shall consider the statements and may make such enquiries, as he may deem fit.

**98. Manner of applying under section 88(4).—**(1) An application under sub-section (4) of section 88 for permission to work the patented invention shall be filed in duplicate and shall contain the grounds relied upon by the applicant, the reasons for making the application and the terms under which he would work the patented invention pending agreement with the patentee or decision by the Controller. The applicant shall file evidence in support of the application, if the Controller so directs.

(2) The Controller shall forward a copy of the application and evidence, if any, to the patentee and direct him to file within such time not exceeding one month a statement containing the terms and conditions of the licence he is willing to grant or the terms under which the Controller may allow the applicant to work the patented inventions pending agreement with the applicant.

(3) The Controller after hearing the parties may direct them to execute a licence if they mutually agree on the terms and conditions of the same or permit the applicant to work the patented inventions on such terms as he may think fit to impose.

**99. Manner of payment of compensation.**—The compensation in respect of acquisition of an invention by the Central Government shall be payable by the Government in lumpsum, if the compensation is upto an amount of Rs. 10,000 and in five equal instalments annually for an amount exceeding Rs. 10,000.

(2) No interest shall accrue on any portion of the compensation.

**100. (1)** The Controller shall maintain a roll of scientific advisers for the purpose of section 115. The roll shall contain the names and addresses of scientific advisers, their designation, information regarding their educational qualifications, the disciplines of their specialisation and their technical, practical and research experience.

(2) A scientific adviser shall have the following qualifications, namely:—

(i) A degree in science, engineering or technology;

(ii) at least 15 years' practical or research experience; and

(iii) he shall hold a responsible post in a scientific or technical department of the Central or State Government or a Government undertaking or any other undertaking of repute.

**101. Manner of application for inclusion in the roll of scientific advisers.**—Any interested person may apply to the Controller for inclusion of his name in the roll of scientific advisers furnishing his biodata.

**102. Enrolment of names in the roll of scientific advisers.**—The Controller may enquire from such persons whose names in his opinion should be entered in the roll of scientific advisers, whether their names may be entered in the roll of scientific advisers, and call for the biodata of such persons who may agree to be entered as such.

**103. Power to relax.**—The Controller may relax the qualifications specified in sub-rule (2) of rule 104 in deserving cases.

**104. Removal of names from the roll of scientific Advisers.**—The Controller may remove the name of any person from the roll of Scientific Advisers,—

- (a) If such person makes a request for such removal; or
- (b) if the Controller is satisfied that his name has been entered in the rolls by mistake on account of misrepresentation or suppression of any material fact; or
- (c) if he has been convicted of an offence and sentenced to a term of imprisonment or has been guilty of misconduct in his professional capacity and the Controller is of opinion that his name should be removed from the roll:

**105. Particulars to be contained in the register of patent agents.**—The register of Patent Agents maintained under section. 125 shall contain the name, nationality, address of the principal place of business, permanent home address, the qualifications and the date of registration of every registered patent agent.

**106. Register of patent agents.**—(1) Application for registration of a patent agent.—Every person desiring to be registered as a patent agent shall make an application on Form 54.

(2) The applicant shall furnish such further information bearing on his application as may be required of him at any time by the Controller.

**107. Manner of application of registration as a patent agent.**—All applications for the registration of patent agents shall be made in triplicate, and shall be sent to or left at the head office of the Patent Office.

**108. Details to be included in an application for the registration of a patent agent.**—An application by a person entitled to be registered as a patent agent under sub-section (2) of section 126 shall be accompanied by a statement giving information regarding his practice as patent agent before 1st November, 1906 and a list of applications in respect of which he has filed complete specifications before the said date.

**109. Persons debarred from registration as a patent agent.**—A person shall not be eligible for registration as a patent agent if he—

- (i) has been adjudged by a competent court to be of unsound mind;
- (ii) is an undischarged insolvent;
- (iii) being a discharged insolvent has not obtained from the court a certificate to the effect that his insolvency was caused by misfortune without any misconduct on his part;
- (iv) has been convicted by a competent court, whether within or outside India of an offence punishable with transportation or imprisonment, unless the offence of which he has been convicted has been pardoned or unless on an application made by him, the Central Government has, by order in this behalf, removed the disability;
- (v) being a legal practitioner has been held guilty of professional misconduct by any High Court in India or by any Court beyond the limits of India; or
- (vi) being a chartered accountant, has been held guilty of negligence or misconduct by a High Court.

**110. Details of the qualifying examination for patent agents.**—The qualifying examination referred to in sub-section (1) of section 126 shall consist of a written examination in Patents Law and Practice. After the written examination, there shall be an interview.

**111. Registration of patent agents.**—After a candidate has been interviewed, and any further information which the Controller considers necessary has been obtained, and the Controller is satisfied that the candidate may be registered as a patent agent, he shall, on receipt of the prescribed fee, enter the candidate's name in the register of patent agents and issue to him a certificate of registration as a patent agent.

**112. Registration of patent agents under section 126(2).**—On receipt of an application for the registration of a person as a patent agent, the Controller

may if he is satisfied that the said person fulfils the conditions specified in sub-section (2) of section 126 may directly enter his name in the register of patent agents.

**113. Payment of fees.**—The continuance of a person's name in the register of patent agents shall be subject to his payment of the fees specified therefor in the Second Schedule.

**114. Deletion of a name from the register of patent agents.**—(1) The Controller may delete from the register of patent agents the name of any registered patent agent—

- (a) from whom a request has been received to that effect;
- (b) when he is dead; or
- (c) when the Central Government has directed the removal of the name of a person under section 130(1).

(2) The deletion of the name of any person from the register of patent agents shall be notified in the Official Gazette and shall, wherever possible, be communicated to the person concerned.

**115. Restoration of names of persons removed from the register of patent agents.**—(1) The Central Government may, on an application made by a person whose name has been removed from the register within six months from the date of removal of his name from the register of patent agents accompanied by the fees as specified in the First Schedule and on being satisfied that there is sufficient cause shown for restoring his name to the register, restore his name to the register and continue his name therein for a period of one year from the date on which his last annual fee became due.

(2) The restoration of a name to the register of patent agents shall be notified by the Controller in the Official Gazette and communicated to the person concerned.

**116. Alteration of names etc. in the register of patent agents.**—(1) A patent agent may apply in Form 56 for the alteration of his name, address of the principal place of business, permanent home address or qualifications entered in the register of patent agents. On receipt of such application and the fee, the Controller shall cause the necessary alteration to be made in the register of patent agents.

(2) Every alteration made in the register of patent agents shall be notified in the Official Gazette.

**117. Refusal to recognise as patent agent.**—If the Controller is of the opinion that if any person should not be recognised as an agent in respect of any business under the Act as provided in sub-section (1) of Section 131 thereof he shall communicate his reasons to that person and direct him to show cause why he should not refuse to receive him as such agent, within such time as he may allow, and after considering the reply, if any, of that person and giving him an opportunity of being heard, the Controller may pass such orders as he may deem fit.

**118. Publication of the names of patent agents, registered under the Act.**—The names and addresses of persons registered as patent agents shall from time to time be published in the Official Gazette, newspapers, trade journals and in such other manner as the Controller may deem fit.

**119. Form and manner in which statements required under section 146(2) to be furnished.**—(1) The statement which shall be furnished by every patentee and every licensee under sub-section (2) of section 146 shall be in writing duly verified by the patentee or the licensee or his authorised agent and shall contain information on the following matters, namely:—

- (i) the manner and the extent to which a patent has been worked;
- (ii) licences and sub-licences granted during the year;
- (iii) details regarding the undertaking through which patented invention has been worked;
- (iv) details of collaboration; if any;
- (v) the number of patented articles exported, their value and the parties to whom they have been assigned;

- (vi) raw-materials, machinery and spare parts imported and their value;
- (vii) source of technical know-how and remuneration, if any paid therefore;
- (viii) difficulties, if any, faced in working the patented invention; and
- (ix) profit or loss incurred during the year in working the patented invention.

(2) The statement shall be furnished in respect of every calendar year within three months of the end of each year.

(3) The Controller may publish the information received by him under subsection (1) or (2) of section 146 in the Official Gazette and such newspapers and trade journals as he may deem fit.

**120. Form of application for the issue of a duplicate patent.**—An application for the issue of a duplicate patent under section 154 shall contain evidence setting out fully and specifying the circumstances in which the patent was lost or destroyed or cannot be produced together with the fees as specified in the First Schedule.

**121. Supply of certified copies.**—Certified copies of any entry in the register, or certified copies of, or extracts from patents, specifications and other public documents in the office, or from registers and other records kept there, may be furnished by the Controller on a request therefor made to him in writing and on payment of the fee specified in the First Schedule.

**122. Request for information under section 153.**—(1) A request for information in respect of the following matters relating to any patent or application for a patent shall be made in Form 52:—

- (a) as to when a complete specification following a provisional specification has been filed or an application for patent has been deemed to have been abandoned;
- (b) as to when a complete specification has been accepted or when an application for patent has been refused;
- (c) as to when a patent has been sealed, or when the time for requesting sealing has expired;
- (d) as to when a renewal fee has been paid;
- (e) as to when a patent has expired or shall expire;
- (f) as to when an entry has been made in the register or application has been made for the making of such entry; or
- (g) as to when any application is made or action taken involving an entry in the register or advertisement in the Official Gazette, if the nature of the application or action is specified in the request.

(2) Separate request shall be made in respect of each item of information required.

(3) The fees payable on a request to be made under section 153 shall be as set out in the First Schedule.

**123. Scale of costs.**—In all proceedings before the Controller, the Controller may, save as otherwise expressly provided by the Act or these rules, award such costs as he considers reasonable, having regard to all circumstances of the case.

**124. Costs in uncontested cases.**—Where any notice of opposition duly given under the Act or these rules, is not contested by the applicant or any other party the Controller in deciding whether costs should be awarded to the opponent, shall consider whether the proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant or the said other party before the notice of opposition was given.

**125. General.**—Any document for the amendment of which no special provision is made in the Act may be amended, and any irregularity in procedure which in the opinion of the Controller may be obviated without detriment to the interest of any person, may be corrected if the Controller thinks fit and upon such terms as he may direct.

**126. Power to enlarge the time prescribed.**—The time prescribed by these rules for doing any act or taking any proceeding thereunder may be enlarged by the Controller, if he thinks fit and upon such terms as he may direct.

127. **Hearing before the Controller to be in public in certain cases.**—Where the hearing before the Controller of any dispute between two or more parties relating to any matter in connection with a patent or an application for a patent takes place after the date of the publication of the complete specification, the hearing of the dispute shall be in public unless the Controller, after consultation with the parties to the dispute who appear in person or are represented at the hearing, otherwise directs.

128. **Repeal and amendment of Indian Patents and Designs Rules, 1933.**—The Indian Patents and Designs Rules, 1933, in so far as it relates to patents is hereby repealed that is to say, that the said rules shall stand amended in the manner specified in the Third Schedule, from the date of commencement of these rules.

THE FIRST SCHEDULE

(Vide section 142)

Fees

Number of entry	On what payable	Number of form	Proper fee
1	2	3	4
			Rs. P.
1	On application for a patent under section 7 or 54 accompanied by provisional specification	1, 1A, 1B, 1AB,	40
2	On application for a patent under section 7, 54 or 135 accompanied by complete specification.	1, 1A, 1B, 1AB, 2, 2A, 2B, 2AB	100
3	On filling complete specification after provisional specification.	3A	60
4	On filling a statement and undertaking under section 8	4	No fee
5	On filling declaration of inventorship	5	No fee
6	Application for post dating	6	30
7	Application under section 19(2) for deletion of reference	7	25
8	Application for extension of time under rule 24.	8	25 per month
9	Application for extension of time under section 9(1), 10(6) or 43 (3).	9	25 per month
10	Application for extension of time under section 21(2).	10	25 per month
11	Request for postponement of acceptance of complete specification under section 22.	11	30
12	Claim to proceed as an applicant or joint applicant under section 20(1).	12	25
13	Request for directions under section 20(4) in the event of death of a joint applicant.	13	25
14	Application for directions under section 20(5) as to proceeding with an application for a patent in the case of dispute between joint applicants.	14	25
15	Application for extension of time under section 25(1) or 28(4)	15	25 per month
16	Notice of opposition to the grant of a patent	16	50
17	Notice to attend hearing	17	50
18	Application for extension of time under rule 49	18	25 per month
19	Request for mention of inventor in patent under section 28(2).	19	25
20	Claim under section 28(3)	20	25
21	Application for a certificate under section 28(7)	21	25
22	On application for permission under section 39	22	5
23	On application for amendment of patent	23	50
24	On application for directions under section 51(1)	24	25
25	On application for directions under section 51(2)	25	25
26	On a request under section 52(2)	26	100
27	On a request for sealing under section 43	27	100

7	1	2	3	4
	28	On application for extension of time for making a request for sealing under section 43(3).	28	25 per month
	29	For renewal under section 53.		
		Before the expiration of the 2nd year from the date of patent and in respect of the third year.		100
		Before the expiration of the 3rd year in respect of the 4th year.		150
		Before the expiration of the 4th year in respect of the 5th year.		200
		Before the expiration of the 5th year in respect of the 6th year.		250
		Before the expiration of the 6th year in respect of the 7th year.		300
		Before the expiration of the 7th year in respect of the 8th year.		350
		Before the expiration of the 8th year in respect of the 9th year.		400
		Before the expiration of the 9th year in respect of the 10th year.		450
		Before the expiration of the 10th year in respect of the 11th year.		500
		Before the expiration of the 11th year in respect of the 12th year.		550
		Before the expiration of the 12th year in respect of the 13th year.		600
		Before the expiration of the 13th year in respect of the 14th year.		700
	30	On application for amendment under section 57.	29	
		Before acceptance		30
		After Acceptance		60
		After sealing		100
	31	On notice of opposition to application for amendment	30	50
	32	On application for restoration under section 60.	31	50
	33	On notice of opposition to application for restoration under section 60.	32	50
	34	Additional fee on restoration		150
	35	On application for surrender of patent under section 63.	33	50
	36	On notice of opposition to offer to surrender a patent	34	50
	37	On application for entry of name of proprietor or part-proprietor in the register under section 69 (1).		
		In respect of one patent	35	25
		For each additional patent	..	10
	38	On application for entry of notice of mortgage or licence under section 69(1).	36	
		In respect of one patent	..	25
		For each additional patent	..	10
	39	On application by assignor for entry of name of proprietor or co-proprietor under section 69(2).	37	
		In respect of one patent	..	25
		For each additional patent	..	10
	40	On application by mortgager or licensor under section 69(2)	38	
		In respect of one patent	..	25
		For each additional patent	..	10
	41	On application for entry of notification under section 69.	39	
		In respect of one patent	..	25
		For each additional patent	..	10
	42	On notice of alteration of name etc. under rule 77(1).	40	5
	43	On request for entry of two addresses under rule 77(3).	41	10
	44	On request for correction of clerical errors under section 78.	42	15
	45	On notice of opposition to correction of clerical errors under section 78.	43	15
	46	On application for compulsory licence under sections 84 (1), 96(1) or 97(1).	44	60
	47	On application by Central Government for endorsement patent under section 86(1).	45	60

1	2	3	4
48	On permit for working under section 88(4).	46	25
49	On application for revocation under section 89(1)	47	60
50	On application under section 93(5).	48	60
51	On filing notice of opposition under sections 92 (2) and 93(5)	49	50
52	Request for certificate	51	25
53	For supply of typed copies of documents (for every 100 words or part thereof)		(25 P subject to a minimum of Rs. 3/-)
54	For supply of photo copies of documents— <i>For direct negative</i> Rs. 4/- per page of full size 33.0 cm×20.5 cm. or 3"×8½" <i>For positive copy</i> Rs. 7/- per page of full size 33.00 cm×20.5 cm or 13"×8½"		
55	For certifying office copies, MSS or printed each.		3
56	On Request for inspection of register under section 72.		5
57	On Request for information under section 153 or rule 123.	52	10
58	On application for duplicate patent under section 154.	53	50
59	On application for registration of a patent agent under rule 106.	54	50
60	For registration of a person as a patent agent under rule 111 or 112.		50
61	For continuance of the name of a person in the Register of Patent Agents. For every year (excluding the first year) to be paid on the 1st of April in each year.		30
	For the first year to be paid along with the fee for registration in the case of a person registered at any time between 1st of April and 30th of September.		30
	In the case of a person registered at any time between 1st of October and 31st of March following.		15
62	On application for restoration under rule 115.	55	50 (plus continuance fee under entry No. 58)
63	On application for alteration of name etc. under rule 116	56	10
64	On application under section 77(1) (f) for review of Controller's decision.	57	30
65	On application under section 77(1)(g) for setting aside Controller's <i>ex parte</i> decision.	58	30
66	Request under rule 89 for extension of time	59	25

## THE SECOND SCHEDULE

## FORMS

## List of Forms

Form No.	Section or Rule	Title
1	Section 7	Application for patent when inventor is a sole or joint applicant.
1A	" 7	Application for patent by assignee or legal representative of inventor.
1B	" 54	Application for patent of addition when inventor is a sole or joint applicant.
1AB	" 54	Application for patent of addition by assignee or legal representative.
2	" 135	Convention application for patent.



Form No.	Section or Rule	Title
2A	Section 135	Convention application for patent by legal representative or assignee.
2B	" 54	Convention application for patent of addition.
2AB	and 135	
	" 54	Convention application for patent of addition by assignee or legal representative.
3	and 135	
3A	" 10	Provisional Specification.
4	" 8	Complete Specification.
5	" 10 (6)	Statement and undertaking.
6	" 17 (1)	Declaration as to inventorship.
7	" 19 (2)	Request for post-dating of an application.
8	Rule 26, 28 or 52	Application for deletion of reference.
9	Section 9 (1) 10	Application for extension of time.
	(6) or 43(3)	
10	Section 21 (2)	Application for extension of time.
11	" 22	Request for postponement of acceptance of complete specification.
12	" 20 (1)	Claim to proceed as an applicant or joint applicant.
13	" 20 (4)	Request for directions under section 20 (4) as to proceeding with an application for patent in the event of death of a joint applicant.
14	" 20 (5)	Application for directions as to proceeding with an application for a patent in case of dispute between joint applicants.
15	" 25 (1) or 28 (4)	Application for extension of time for filing notice of opposition or a request or claim for the mention of inventor in the patent.
16	" 25	Notice of opposition to grant of patent.
17	Rule 45	Notice to attend hearing.
18	Rule 49	Application for extension of time.
19	Section 28 (2)	Request for mention of inventor in patent by applicant for patent.
20	" 28 (3)	Claim by any person to mention him as inventor in a patent.
21	" 28 (7)	Application for certificate.
22	" 39	Application for permission for applying for patents outside India.
23	" 44	Application for amendment of patent.
24	" 51 (1)	Application for directions to co-owners.
25	" 51 (2)	Application for directions to co-owners in the event of the failure of grantee or proprietor of a patent to execute instrument for carrying out Controller's directions.
26	" 52 (2)	Request for grant of patent to petitioner for revocation of patent.
27	" 43	Request for sealing.
28	" 43 (3)	Application for extension for making a request for sealing of a patent.
29	" 57	Application for amendment.
30	" 57	Notice of opposition to application for amendment.
31	" 60	Application for restoration of a patent.
32	" 60	Notice of opposition to application for restoration.
33	" 63	Application for surrender of patent.
34	" 63	Notice of opposition to offer to surrender a patent.
35	" 69 (1)	Application for entry of name of proprietor or part proprietor in register of Patents.
36	" 69 (1)	Application for entry of notice of a mortgage or licence in the Register of Patents.
37	" 69 (2)	Application by assignor for entry of name of proprietor or co-proprietor in the Register of Patents.
38	" 69 (2)	Application by mortgagor or licensor for entry of notice of a mortgage or licence in the Register of Patents.
39	" 69	Application for entry of notification of document in the Register.
40	Rule 77(1)	Notice of alteration of name or address or address for service in the Register of Patents.
41	Rule 77(3)	Request for entry of two addresses for service in Register of Patents.
42	Section 78	Request for correction.
43	" 73	Notice of opposition to the correction of a clerical error.
44	Section 84(1), 96 (1) or 97(1)	Application for compulsory licence.
45	Section 86 (1)	Application by Central Government for endorsement of Patents.
46	" 88 (4)	Permit for working patented inventions.
47	" 89 (1)	Application for revocation of a patent.

Form No.	Section or Rule	Title
48	Section 93(5)	Application for revision of terms and conditions of licence under section 93(5).
49	Rule 95	Notice of opposition to application under sections 92(2) and 93(5)
50	Rule 10	Application for authorisation of agent.
51	Section 72 and Rule 122	Request for certificate under section 72 and Rule 122.
52	Section 153 and Rule 123	Request for information.
53	Section 154	Application for duplicate patent.
54	Rule 106	Application for registration of a patent agent.
55	Rule 115	Application for restoration of a name to the Register of Patent Agents
56	Rule 116	Application for alteration of a name, address etc. from the Register of Patent Agents.
57	Rule 89 and Section 77 (1) (f)	Application for review of Controller's decision.
58	Rule 89 and section 77(1)(g)	Application for setting aside Controller's <i>ex-parte</i> decision.
59	Rule 89	Request for extension of time.

## THE PATENTS ACT, 1970.

FORM 1.  
FEE See Footnote.

*Application for patent when the true and first inventor is sole or joint applicant section 7*

To be accompanied in triplicate by a Provisional Specification on Form 3, or the Complete Specification on Form 3A.

1. Insert (in full), name, address and nationality of applicant or applicants. I (or We) <sup>1</sup>.....  
.....  
.....  
hereby declare :—
2. Insert title of invention. (i) that I am (or we are) in possession of an invention for .....  
.....
3. State who is the inventor (ii) that I (or we) (or the said ..... )  
claim to be the true and first Inventor thereof
4. State here whether the specification accompanying this form is "Provisional" or "Complete". (iii) that the ..... specification filed with this application is ..... (and the complete specification and any amended specification which may be hereafter be filled in this behalf will be, true of the invention to which this application relates ;
5. Strike out the words and brackets "(and the complete specification)" if a "complete specification" accompanies this form. (iv) that I (or we) verily believe I am (or we are) entitled to a patent for the said invention having regard to be the provisions of the Patents Act, 1970;  
(v) that to the best of my/our knowledge, information and belief the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of a patent to me/us on this application.  
I (or We) humbly pray that a patent may be granted to me (or us) for the said invention.  
I/We request that all notices, requisitions and communications relating to this application may be sent to.....  
.....  
at .....  
who is/are authorised to act for me/us.  
Dated this ..... day of ..... 19 ..

6 To be signed by applicant or applicants. (Signed) .....

TO

The Controller of Patents,

The Patent Office.

**NOTE—Fee—**

(a) Rs. 40.00 if a Provisional Specification accompanies this form;

(b) Rs. 100.00 if a Complete Specification accompanies this.

**THE PATENTS ACT, 1970**

**FORM 1A**  
fee

**APPLICATION FOR PATENT BY ASSIGNEE OR LEGAL REPRESENTATIVE OF INVENTOR. SECTION 7.**

(To be accompanied in triplicate by a Provisional specification on Form 3, or the Complete specification on Form 3A).

1. Insert (in full) the name, I (or We)/.....  
address and nationality .....  
of applicant or appli- .....  
cants .....  
hereby declare :—

2. Insert title of invention. (i) that I am (or we are) in possession of an invention for, ....

3. Insert in full the name (ii) that I/We (or the said ..... ) claim to be  
address and nationality the assignee of (or the legal representative of 3.....  
of inventor. who claim(s) and is (are) believed to be the true and first in-  
ventor(s) thereof;

4. State here whether the (iii) that the 4..... 5..... specification  
specification accompany- filed with this application is 5 (and the complete specification  
ing this form is "provi- and any amended specification which may hereafter be filed in  
sional" "Complete". this behalf will be, true of the invention to which this  
application relates;

5. Strike out the words and (iv) that I (or We) verily believe I am (or we are) entitled to a  
brackets "(and the patent for the said invention having regard to the provisions of  
complete specification)" Patents Act, 1970;

if a "complete specifi- (v) that to the best of my/our knowledge information and belief  
cation" accompanies this the facts and matters stated herein are correct and that there  
form, is no lawful ground of objection to the grant of a patent to me  
us on this application;

I. (or We) humbly pray that a patent may be granted to me (or us)  
for the said invention.

I/We request that all notices, requisitions and communications  
relating to this application may be sent to.....

.....  
.....  
at.....

who is/are authorised to act for me/us.

6. To be signed by appli- Dated this, ..... day of ..... 19 ..  
cant for applicants.

(Signed) 6.....

The Controller of Patents,

The Patent Office.

**ENDORSEMENT BY INVENTOR**

1. Insert in full The name I (or We) I, .....  
address and Nationality, .....  
.....  
referred to on the reverse of this application as claiming to be

the true and first inventor(s) hereby declare that the applicant(s) who has/have signed this application on the reverse is / are my/our assignee(s).

Dated this ..... day of ..... 19 ..

(Signed).....

Signature of two witnesses :

1. ....
2. ....

### THE PATENTS ACT, 1970

FROM 1B  
Fee

### APPLICATION FOR PATENT OF ADDITION WHEN THE TRUE AND FIRST INVENTOR IS SOLE OR JOINT APPLICANT. SECTION 54 or 135.

To be accompanied in triplicate by a Provisional Specification on Form 3, or the, Complete Specification on Form 3A.

1. Insert (in full) name, address and nationality of applicant or applicants I (or We) 1. ....  
hereby declare:—
2. Insert title of invention (i) that I am (or we are) in possession of an invention for .....  
.....  
.....
3. State who is or are the inventor or inventors, (ii) that .....  
claims to be true and first inventor(s) thereof;  
(iii) that the said invention is an improvement in or modification of the invention for which a patent was applied for on the ..... and the application numbered ..... [For which I was /we were the applicant (s)];  
or for which Patent numbered ..... dated .....  
was granted and of which I am/we are the Patentee(s)].
4. State here whether the specification accompanying this form is "provisional" or "complete." (iv) that the ..... specification filed with this application is, (and the complete specification) and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;
5. Strike out the words and bracket "(and the complete specification)", if a "complete specification" accompanies this form. (v) that I (or We) verily believe I am (or we are) entitled to a patent for the said invention having regard to the provision of the Patents Act, 1970  
(vi) that to the best of my/our knowledge, information and belief the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of a patent to me/ us on this application.  
I (or We) humbly pray that a patent may be granted to me (or us) for the said invention as patent of addition to patent No. ....  
patent to be granted on application No. .... I/We request that all notices, requisitions and communications relating to this application may be sent to .....  
at .....  
who is/are authorised to act for me/us.
6. To be signed by applicant or applicants, Dated this ..... day of ..... 19 ..

(Signed).....

TO

THE CONTROLLER OF PATENTS.

THE PATENTS ACT, 1970

FORM \*1AB  
Fee

APPLICATION FOR PATENT OF ADDITION WHEN THE  
TRUE AND FIRST INVENTOR IS NOT A PARTY TO  
THE APPLICATION. SECTION 54 or 135.

See foot note.

To be accompanied in triplicate by Provisional Specification on  
Form 3 or the Complete Specification on Form 3A.

1. Insert (in full) Name,  
address and nationality  
of applicant or appli-  
cants

I (or We) I.....  
.....  
.....

hereby declare :—

2. Insert title of invention.

(i) That I am (or we are) in possession of an invention for 2..  
.....

3. Insert name.

(ii) that I (or We) (or the said 3.....) claim to  
be the assignee of (or the legal representative of )4....  
.....

4. State who is or are  
the inventor or in-  
ventors.

.....  
who claim(s) and is (are) believed to be the true and first inventor  
(s) thereof;

(iii) that the said invention is an improvement in or modification  
of the invention for which a patent was applied for on the  
.....and numbered .....  
[for which ..... was /  
were the applicant(s)] [of which ..... is /are the  
patentee (s)];

5. State here whether the  
specification accompany-  
ing this form is "pro-  
visional,, or "complete".

(iv) that the ..... specification filed  
with this application is \*, (and the complete specification  
and any amended specification which may here after be filed  
in this behalf will be, true of the invention to which this  
application relates;

(v) That I (or We) verily believe I am (or we are) entitled to  
a patent for the said invention having regard to the provisions  
of the Patents Act, 1970;

6. Strike out the words and  
brackets "(and the com-  
plete specification)". if  
a "complete specifica-  
tion,, accompanies the  
form.

(vi) that to the best of my/our knowledge, information and belief  
the facts and matters stated herein are correct and that there  
is no lawful ground of objection to the grant of a patent to  
me/us on this application ;

I (or We) humbly pray that a patent may be granted to me (or  
us) for the said invention as a patent of addition to Patent No...  
...../the patent to be granted on application No.....

I/We request that all notices, requisitions and / communications  
relating to this application may be sent to.....  
..... at .....  
is/are authorised to act for me/us, who

7. To be signed by  
applicant or applicants.

Dated this ..... day of ..... 19...  
Signed )r.....

TO

THE CONTROLLER OF PATENTS,  
THE PATENT OFFICE.

NOTE—(a) Rs. 40/—if a provisional specification accompa-  
nies this form.

(b) Rs. 100/- if a complete specification accompanies  
this form.

1. Insert (in full) name, I (or We ) I.....  
 address and nationality, .....  
 referred to on the reverse of this document as claiming to be  
 the true and first inventor or (s) hereby declare that the applicant(s)  
 who has/have signed this application on the reverse is/are my  
 our assignee(s).

Dated this ..... day of ..... 19.

(Signed ) .....

Signature of two witnesses :

1. ....  
 2. ....

### PATENTS ACT, 1970.

FORM 2  
 FREE Rs. 100/-

### CONVENTION APPLICATION FOR PATENT.

(To be accompanied in triplicate by the complete specification on  
 Form 3A )

1. Insert (in full) name, I (or We ) .....  
 address and nationality  
 of applicant or appli-  
 cants, .....  
 hereby declare :—
2. Insert title of In- (i) that I am/we are in possession of an invention for .....  
 vention .....
3. Insert the name of the (ii) that I/we have made an application or applications for  
 Convention country in protection of an invention or inventions in the following  
 which the first applica- country or countries and on the following official date or  
 tion was made. dates namely :—  
 in 3..... on 4.....
4. Insert the official date for 5.....  
 of the first application in 3..... on 4.....  
 in a Convention country, for .....
5. Insert title. (iii) that the said application or each of the said applications was  
 the first application in a Convention country in respect of the said  
 invention;  
 (iv) that the specification filed with this application is and any  
 amended specification which may hereafter be filed in this  
 behalf will be, true of the invention to which this application  
 relates;  
 (v) that I/we verily believe I am (we are) entitled to a patent  
 for the said invention having regard to the provisions of the  
 Patents Act, 1970;  
 (v) that to the best of my/our knowledge, information and  
 belief the facts and matters stated herein are correct and  
 that there is no lawful ground of objection to the grant of  
 a patent to me/us on this application;  
 I (or We) humbly pray that a patent may be granted to me/us  
 for the said invention with priority founded on the abovementioned  
 application (s) in a Convention country /countries under the pre-  
 visions of sub-section (4) of Section 11 of the Act.  
 I/We request that all notices, requisitions and communications  
 relating to this application may be sent to.....  
 who is/are authorised to act for me/us.
6. To be signed by appli- Dated this ..... day of ..... 19 .  
 cant or applicants, .....

(Signed ) 6.....

TO,

THE CONTROLLER OF PATENTS

21H PATENT OFFICE

## THE PATENTS ACT, 1970

## FORM 2A

Fee Rs. 100/-

## CONVENTION APPLICATION FOR PATENT BY LEGAL REPRESENTATIVES OR ASSIGNEES, SECTION 135

(To be accompanied in triplicate by the complete specification, on Form 3A)

1. Insert (in full) name, address and nationality of applicant or applicants. I (or We) I.....  
hereby declare :—
2. Insert title of invention (i) that I am/We are in possession of an invention for 2....  
(ii) that an application or applications for protection of an invention or inventions has or have been made in the following country or countries and on the following official date or dates of namely :—  
in 3..... on 4.....  
by ..... for 6.....  
5.....
3. Insert the name of the Convention country in which the first application was made. in 3..... on 4.....  
by ..... for 6.....  
5.....
4. Insert the official date of the first application in a convention country. in 3..... on 4.....  
by ..... for 6.....  
5.....
5. Insert name, address and nationality of applicant. by 5..... for 6.....  
that the said application or each of the said applications was the first application in a Convention country in respect of the relevant invention by the said .....
6. Insert title. (iii) that I (or We) am/are the legal representatives of 7.....  
deceased or the assignees of 7.....
7. Give name, address and nationality of applicant or applicants in Convention country. (iv) that the specification filed with this application is and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;  
(v) that I/We verify believe that I am (We are) entitled to a patent for the said invention having regard to the provisions of the Patents Act, 1970.  
(vi) that to the best of my/our knowledge, information and belief the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of a patent to me/us on this application;  
I/ (or We) humbly pray that a patent may be granted to me/us for the said invention with priority founded on the above mentioned application(s) in a Convention country/ countries under the provisions of sub-section (4) of Section 11 of the Act.  
I /We request that all notices, requisitions and communications relating to this application may be sent to .....  
at.....

## FORM 2A

Who is/are authorised to act for me/us.

8. To be signed by the applicant or applicants.

Dated this ..... day of ..... 19 ..  
(Signed) 8.....THE CONTROLLER OF PATENTS,  
THE PATENT OFFICE.

## ENDORSEMENT BY INVENTOR

1. Insert (in full) name, I (or We ) I.....  
address and nationality. ....

referred to on the reverse of this application as claiming to be the true and first inventor(s) hereby declare that the applicant(s) who has/have signed this application on the reverse is/are my/our assignee(s).

Dated this ..... Day of ..... 19 ..  
(Signed ) .....

Signature of two witnesses :

1. ....  
2. ....

## THE PATENTS ACT, 1970.

CONVENTION APPLICATION FOR PATENT OF  
ADDITION.

## FORM 2-B

FREE Rs. 100/-

(To be accompanied by complete specification on Form 3A in triplicate).

1. Insert (in full) name, I (or We ) I.....  
address and nationality of applicant or applicants. ....

hereby declare :—

2. Insert title of invention. (i) that I am/we are in possession of an invention for 2....

3. Insert the name of the Convention country in which the first application was made. (ii) that I/We have made an application or applications for protection of an invention or inventions in the following country or countries and on the following official date or date namely :—

in 3..... on 4.....  
for 6.....

4. Insert the official date of the first application in a Convention country. in 3..... on 4.....  
for 5.....  
in 3..... on 4.....  
for 5.....

5. Insert title. that the said application or each of the said applications was the first application in a Convention country in respect of the said invention;

(iii) that the said invention is and improvement in or modification of the invention for which a patent was applied for on the..... and the application numbered ..... for which I was/ We were the applicants /for which patent numbers..... was granted and of which I am/we are the patentee(s) ;

(iv) that the specification filed with this application is and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(v) that I/We verily believe I am (we are) entitled to a patent for the said invention having regard to the provisions of the Patents Act, 1970;

(vi) that to the best of my/our knowledge, information and belief the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of a patent to me/us on this application.

I/We humbly pray that a patent may be granted to me for the said invention with priority founded on the abovementioned application(s) in a Convention country /countries under the provisions of sub-section (4) of Section 11 of the Act, as patent of addition to patent No...../ the patent is to be granted on application No. ....



I /We request that all notices, requisitions and communication relating to this application may be sent to ..... at.....  
 .....  
 .....

who is/are authorised to act for me/us.

6. To be signed by applicant or applicants.

Dated this ..... day of ..... 19 ..  
 (Signed) .....

TO

THE CONTROLLER OF PATENTS,  
 THE PATENT OFFICE.

THE PATENTS ACT, 1970.

FORM 2AB  
 FEE Rs. 100/-

CONVENTION APPLICATION FOR PATENT OF ADDITION  
 BY LEGAL REPRESENTATIVES OR ASSIGNEES-  
 SECTION 135.

(To be accompanied by complete specification in triplicate).

1. Insert (in full) name, address and nationality of applicant or applicants.

I (or We) I.....  
 .....  
 .....  
 hereby declare :—

2. Insert title of Invention

(i) that I am/ we are in possession of an invention for 2 .....

3. Insert name of Convention country in which first application was made.

(ii) that an application or applications for protection of an invention or inventions has or have been made in the following country or countries and on the following official date or dates namely :—

4. Insert the official date of the first application in a Convention country.

in 3.....—on 4.....  
 by 5.....for 6.....  
 in 3.....—on 4.....  
 by 5.....for 6.....  
 in 3.....—on 4.....  
 by 5.....for 6.....

5. Insert name, address and nationality of applicant.

and that the said application or each of the said applications was the first application in a Convention country in respect of the said invention ;

(iii) that I (or we) am/are the legal representative (s) of 7..  
 deceased or the assignees of 7.....

6. Insert title.

(iv) that the said invention is an improvement in or modification of the invention for which a patent was applied for on the .....and the application numbered .....

7. Give name, address and nationality of applicant or applicants in Convention country.

.....for which I was/we were the applicants/  
 for which patent numbered .....was granted and  
 of which I am/we are the patentee (s) ;

(v) that the specification filed with this application is and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(vi) that I/we verily believe that I am (we are) entitled to a patent for the said invention having regard to the provisions of the Patents Act, 1970;

8. To be signed by the applicant or applicants.

(vii) that to the best of my/our knowledge, information and belief the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of a patent to me/us on this application ;

I (or We) humbly pray that a patent may be granted to me/us for the said invention with priority founded on the above mentioned application (s) in a Convention country/ countries under the provisions of sub-section (4) of Section 11 of the Act.

## FORM 2AB.

I/We request that all notices, requisitions and communications relating to this application may be sent to .....  
 .....at.....  
 ..... who is/are authorised to  
 act for me/us .

Dated this .....day of..... 19 .  
 (Signed).....

TO,

THE CONTROLLER OF PATENTS,  
 THE PATENT OFFICE.

## ENDORSEMENT BY INVENTOR

1. Insert (in full) name, I (or We ) I .....  
 address and nationality. ....

referred to on the reverse of this application as claiming to be the true and first inventor (s) hereby declare that the applicant(s) who has/have signed this application on the reverse is/ are my/our assignees.

Dated this .....day of.....19 .  
 (Signed ) .....

Signature of two witnesses :

1.....  
 2.....

## THE PATENTS ACT, 1970.

## FORM 3

## PROVISIONAL SPECIFICATION . SECTION 10.

## NO FEE

(a) Insert title verbally agree-(a) .....  
 ing with that id the  
 application form .

b) Insert (in full) name, (b) .....  
 address and nationality  
 of applicant or applicants  
 as in the application form.

(c) Here begin description The following specification describes the nature of this invention:—  
 of the nature of the (c).  
 invention. The conti-  
 nation of the specifica-  
 tion should be upon  
 paper of the same size,  
 on one side only, with  
 a margin of 1 1/4 inches  
 or centimetres on the  
 left hand part of the  
 paper. The specifica-  
 tion and the duplicate  
 thereof must be signed  
 at the end and dated  
 thus:—

“Dated this .....  
 day of .....19 .”

## FORM 3A

## THE PATENTS ACT, 1970

**FEE Rs. 60/-** where provisional specification has been left with the application. No fee when this form accompanies the application.

**COMPLETE SPECIFICATION SECTION 10**

Where one or more provisional specifications have been left with one or more applications, quote its (their) No. (s) and date (s).

No. (s) .....  
Date (s) .....

- (a) Insert title verbatim agreeing with that in the application form.  
(b) Insert (in full) name, address and nationality of applicant or applicants as in application form

(a) .....  
.....  
(b) .....  
.....  
.....

The following specification particularly describes and ascertains the nature of this invention and the manner in which it is to be performed:—

- (c) Here begin full description of the invention. The constitution of the specification should be upon paper of the same size, on one side only, with a margin of 1½ inches or 4 centimetres on the left hand part of the paper. The complete specification of the description should be followed by the words "I (or we) claim" after which should be written the claim or claims numbered consecutively. The specification and the duplicate thereof must be signed at the end and dated thus:—

(c) .....  
.....  
.....  
.....  
.....  
.....

Dated this .....  
day of ..... 19 ..

**NOTE :—**The claims must be clear and sufficient as well as separate and distinct from the body of the specification, and should form in brief clear statement of that which constitutes the invention. Applicants should be careful that their claims include neither more nor less than they desire to protect by their patent. Any unnecessary multiplicity of claims or prolixity of language should be avoided. Claims should not be made for the efficiency or advantages of the invention.

## THE PATENTS ACT, 1970

## FORM 4

## No Fee

## STATEMENT AND UNDERTAKING UNDER SECTION 8.

1. State the name, address and nationality of applicant(s)

I (or We) I .....  
who have made application for patent numbered .....  
Dated ..... for my/our invention relating to .....  
hereby declare.

- 2 State the title of invention.

3 State name, nationality and address of the person through whom the applicant claims or of the person deriving title from the applicants (i) that I/we claim the title to make the said application/deriving the title in the said invention from me, have made application(s) for patent(s) for the same invention in the following countries;

(a) 4. ....

(b) 4. ....

(c) 4. ....

4 State country, number and date in which corresponding application for patent has been filed outside India. (ii) that the said application(s) has/have been accepted ; (iii) that following patent(s) has/have been granted on such application(s):—

(a) 5. ....

(b) 5. ....

(c) 5. ....

5 State the number and dates of the patents and the country/countries.

(iv) that we undertake that upto the date of acceptance of the complete specification filed in connection with any/our above-mentioned application I/We would keep the Controller informed in writing from time to time of the details regarding applications for patents which may be made outside India from time to time for the same or substantially same invention, within three months from the date of filing of such applications;

(v) that the facts and matters stated herein are true to my/our knowledge, information and belief.

6 Signature of the applicant or applicants. Dated this..... Say of..... 19

(Signed).....  
TO

THE CONTROLLER OF PATENTS,  
THE PATENT OFFICE.

FORM 5

THE PATENTS ACT, 1970

No Fee]

DECLARATION AS TO INVENTORSHIP (SECTION 10(6)  
Rule 15 (6)]

1 Insert name(s) of applicant(s) I/we do hereby declare that the true and first inventor(s) of the invention disclosed in the complete specification filed in pursuance of my/or application(s) numbered..... and dated..... 19..... is/are:

2. State name, address and nationality or inventor or of each inventor

This need not be filled and if the inventor(s) name(s) at 2 is or are an applicant or applicants, or if the right to is as stated on the application form. and that my/our right to apply for a patent for the invention is as follows3.....

4 to be signed by applicant(s) Dated this..... day of..... 19

Except in the case of a Convention Application, if any person named as inventor at 2 above is not so named in the application or in any of the applications, he must sign the following statement. I assent to the invention referred to in the above declaration, being included in the complete specification filed in pursuance of the stated application(s).

TO

THE CONTROLLER OF PATENTS,  
THE PATENT OFFICE.

## FORM 6

## THE PATENTS ACT, 1970

Fee Rs. 30/-

*Request for the Post-Dating of an Application Under Section 17(1).*

I/We hereby request that application No. ....  
 filed on the ..... of ..... 19.....  
 be deemed to have been made on the following date, namely,  
 the ..... of ..... 19.....

Dated this ..... day of ..... 19 ..

<sup>1</sup>To be signed by  
 applicants. State  
 below the address  
 and nationality  
 of the applicants also.

(Signed) .....  
 .....  
 .....  
 .....  
 .....

TO,  
 The Controller of Patents,  
 The Patent Office.

## FORM 7

## THE PATENTS ACT, 1970

Fee Rs. 25/-

*Application under Section 19 (2) for Deletion of Reference*

<sup>1</sup>State the name and  
 address of the appli-  
 cants in full.

I/We<sup>1</sup> .....  
 .....  
 .....

<sup>2</sup>Delete the words in  
 brackets if a patent has  
 been granted.

hereby apply for deletion of the reference to Patent No. ....  
 which has been inserted in the complete specification of my/or  
 our <sup>3</sup>(application for a) Patent No. .... in  
 pursuance of a direction under Section 19(1).

<sup>4</sup>The facts must be  
 stated in full.

The facts relied upon in support of this application are<sup>5</sup>....  
 .....  
 .....

<sup>6</sup>To be signed by  
 the applicant(s) or his  
 or their authorised  
 agent.

Dated this ..... day of ..... 19 ..  
 (Signed)<sup>6</sup> .....  
 .....  
 .....

TO  
 The Controller of Patents,  
 The Patent Office

## FORM 8

## THE PATENTS ACT, 1970

Fee Rs. 25/- per month

*Application for Extension of Time under Rule 24 or 26*

<sup>1</sup>State name, address  
 and nationality.

Application No. .... dated .....  
 I/We<sup>1</sup> ..... hereby apply for ex-  
 tension of time for ..... month(s) ;—

<sup>2</sup>Delete the words which  
 are not applicable.

<sup>3</sup>(a) to remove an objection under Section 13(1) (b) (Rule 24)<sup>4</sup>;—

(b) to notify agreement to the amendment of the specification  
 or to the insertion of a reference under Rule 26.

Dated this ..... day of the ..... 19 ..

<sup>5</sup>To be signed by  
 applicant or applicants  
 or his/their agents.

(Signed)<sup>5</sup> .....  
 .....

TO  
 The Controller of Patents,  
 The Patent Office

## FORM 9

## THE PATENTS ACT, 1970

Fee Rs. 25/- per month

*Application for Extension of Time under Sections 9 (1),  
10 (6) and 43 (3).*

<sup>1</sup>State the name,  
 address and nationa-  
 lity.

I (or We)<sup>1</sup> .....  
 .....  
 hereby apply for ..... month (s) extension of  
 time.

Strike out the words  
which are not applica-  
ble.

- \*(a) under Section 9(1) for leaving a complete specification in  
respect of application No. .... of .....  
(b) under Section 10(6) for filing declaration of inventorship  
in respect of application No. .... of .....  
(c) under Section 43(3) for the sealing of a patent on appli-  
cation No. .... dated the .....

The reasons for making this application are as follows :—  
.....  
.....  
.....

My (or our) address for service in India is :—  
.....  
.....

Dated this ..... day of ..... 19 ..

\*Signature.

(Signed)\*.....

TO

The Controller of Patents,  
The Patent Office.

FORM 10

THE PATENTS ACT, 1970

Fee Rs. 25/-

*Request for Extension of Time Under  
Section 21(2)*

\*State the name, ad-  
dress and nationality.

I/We<sup>1</sup> .....  
.....  
hereby request for extension of time of ..... months  
for putting my/our application No. .... dated .....  
in order for acceptance.

The reasons for making this application are as follows :—  
.....  
.....  
.....

My (or our) address for service in India is :—  
.....  
.....

Dated this ..... day of ..... 19 ..  
(Signed)\*.....

\*Signature.

TO

The Controller of Patents,  
The Patent Office.

FORM 11

THE PATENTS ACT, 1970

Fee Rs. 30/-

*Request for Postponement of Acceptance of Complete  
Specification, Section 22.*

I/We hereby request a postponement of the acceptance of the  
complete specification of Application No. .... dated .....  
to a date not later than the expiration of ..... months  
from the date of filing of the complete specification.

Dated this ..... day of ..... 19 ..

To be signed by ap-  
plicant or applicants  
or his/their agent.

(Signed)<sup>1</sup>. ....

TO,

The Controller of Patents,  
The Patent Office.

## FORM 12

## THE PATENTS ACT, 1970

Fee Rs. 25/-

Claim under section 20(1) to proceed as an Applicant or Co-applicant

- <sup>1</sup> State name, address and nationality of claimants.
- <sup>2</sup> State the number and date the application for patent.
- <sup>3</sup> State the name of the applicant (s) for patent.
- <sup>4</sup> Insert in full name, address and nationality of the person(s) in whose name (s) it is requested that the application shall proceed.
- <sup>5</sup> Give particulars of such document, giving its date and the parties to the same and showing how the claim here made is substantiated.
- <sup>6</sup> State the nature of the document, the certified copy should be written, type written or printed on foolscap paper
- <sup>7</sup> To be signed by claimant (s).
- <sup>8</sup> State name, address and nationality of the applicant.
- <sup>9</sup> To be signed by applicant(s).

I/We<sup>1</sup> .....  
 ..... hereby request that the Patent application No.<sup>2</sup> .....  
 dated..... made by<sup>3</sup> .....  
 .....  
 ..... may proceed in the name (s) of<sup>4</sup> .....  
 .....  
 .....

I/We claim to be entitled to proceed as applicant (s) for the patent by virtue of<sup>5</sup> .....  
 .....

And in proof whereof I/We transmit the accompanying<sup>6</sup> .....  
 .....

My address for service in India is :

Dated this.....day of.....19.....  
 (Signed)<sup>7</sup> .....

I/We<sup>8</sup> .....  
 consent to the above request.

(Signed)<sup>9</sup>.....

To

The Controller of Patents,  
 The Patent Office

## FORM 13

## THE PATENTS ACT, 1970

Fee Rs. 25/-

Request for directions under section 20(4) As to Proceeding with an Application for Patent in the event of death of joint applicant

- <sup>1</sup> State name, address and nationality of applicants other than the deceased.
- <sup>2</sup> State name, address and nationality of the deceased.

I/We<sup>1</sup> ..... who have made application for patent numbered.....dated..... jointly with..... hereby declare that the said<sup>2</sup>..... has died on.....

I/We request that an order be made giving directions for enabling the application to proceed in my/our name(s).

I/We state that the legal representative (s) of the deceased<sup>2</sup> ..... consented to the above request. The proof of death of the deceased and proof of my/our authority are submitted herewith.

My/our address for service in India is :

Dated this.....day of.....19.....

(Signed)<sup>3</sup>.....

- <sup>3</sup> To be signed by the applicants or agents

To

The Controller of Patents and Designs  
 The Patent Office.

*Endorsement of by the Legal Representative*

\* State name address and nationality. I/We<sup>a</sup>.....the legal representative of the deceased.....  
.....hereby give our consent that applica-  
tion for Patent No.....of.....  
may be proceeded with solely in the name or names of the appli-  
cants herein. ■

Dated this.....day of.....19 ..  
(Signed)\*.....

\* To be signed by  
the legal representative.

FORM 14

Fee Rs. 25/-.

THE PATENTS ACT, 1970.

*Application for directions under section 20(1) as to proceeding with an  
application for a patent in case of dispute between joint applicants*

(To be accompanied by a statement of case and by copies of the  
application and statement as required by Rule 2).

\* State name and address.

I<sup>1</sup>.....

\* State name and address  
of other applicant(s).

being a joint applicant with\*.....

in the application for a patent numbered .....  
hereby declare that a dispute has arisen between us and request  
that an order of the Controller be made giving directions for  
enabling the application to proceed.

Particulars of the matters in dispute are given in the annexed  
statement setting out the facts upon which I rely, and the relief  
which I seek.

My address for service in India is :—

Dated this ..... day of ..... 19 ..

\* Signature

(Signed)\*.....

To

The Controller of Patents,  
The Patent Office.

FORM 15

THE PATENTS ACT, 1970.

Fee Rs. 25/- per month.

*Application for extension of time under section 28(4) or section 25(1).*

\* Insert in full name, address  
and nationality.

I (or We)<sup>1</sup> .....  
.....  
hereby apply for one month's extension of time:—

\* Strike out the words  
which are not appli-  
cable. Quote number  
and year of application  
for patent.

(a) Under Section 25(1) for giving notice of opposition in respect  
of application No. ....  
of .....  
(b) Under Section 28(4) for making a request under Section 28(2)  
or claim under Section 28(3) in respect of application No. ....  
of ..... ■

The reasons for making this application are as follows:—

My (or our) address for service in India is:—

Dated this ..... day of ..... 19 ..

Signature

(Signed)\*.....

To

The Controller of Patents,  
The Patent Office



FORM 16 . . . THE PATENTS ACT, 1970.

Fee Rs. 50/- . . . Notice of opposition to Grant of Patents Section 25.

(To be filed along with statement of case in triplicate).

- <sup>1</sup> State in full the name, address & nationality. I/We<sup>1</sup> . . . . .  
<sup>2</sup> State in full the name, address and nationality of applicant for patent. hereby give notice of opposition to the grant of a patent upon application No . . . . . made by<sup>a</sup> . . . . .  
<sup>3</sup> State upon which of the grounds of opposition upon the ground<sup>a</sup> . . . . .  
 the grant is opposed. . . . .

I (or We) declare that the facts and matters stated herein are true to the best of my knowledge, information and belief.  
 My address for service in India is :—  
 . . . . .  
 . . . . .

Dated this . . . . . day of . . . . . 19 . . . . .

- <sup>a</sup> To be signed by opponents.  
 (Signed)<sup>a</sup> . . . . .  
 To  
 The Controller of Patents,  
 The Patent Office.

FORM 17.

THE PATENTS ACT, 1970.

Fee Rs. 50/-.

Notice that hearing before the Controller will be Attended (Rule 45).

- <sup>1</sup> State name and address. I/We<sup>1</sup> . . . . .  
<sup>2</sup> Give particulars ( i.e., number of application or patent, names of parties and nature of proceedings). hereby give notice that the Hearing fixed for the . . . . . in . . . . . reference to<sup>a</sup> . . . . .  
 . . . . . will be attended by myself/ourselves or by some person on my/our behalf.

Dated this . . . . . day of . . . . . 19 . . . . .

- <sup>a</sup> Signature to be given.  
 (Signed)<sup>a</sup> . . . . .  
 To  
 The Controller of Patents,  
 The Patent Office.

FORM 18.

THE PATENTS ACT, 1970.

Fee Rs. 25/- per month.

Application for Extension of Time under Rule 49.

- <sup>1</sup> State name, address & nationality. Application No. . . . . dated . . . . . hereby apply for extension of time for . . . . . month(s) to notify agreement to the amendment of the specification under Rule 49 may be notified.  
 I/We<sup>1</sup> . . . . .

Dated this . . . . . day of . . . . . 19 . . . . .

- <sup>a</sup> To be signed by applicant(s) or his/their agent.  
 (Signed)<sup>a</sup> . . . . .  
 To  
 The Controller of Patents,  
 The Patent Office.

FORM 19

THE PATENTS ACT, 1970

Fee Rs. 25/-.

Request under Section 28(2) (Rule 50)

- <sup>1</sup> State in full name, address and nationality of applicant or applicants for the patent. I/We<sup>1</sup> . . . . .  
 who made application No. . . . . on the . . . . .  
 . . . . . 19 . . . . . for the grant of a patent for an invention the title of which is <sup>a</sup> . . . . .  
<sup>2</sup> State the title of the invention. . . . .  
 . . . . .

<sup>2</sup> State name, address and nationality of the inventor, if not included at.

<sup>4</sup> Insert name of inventor (s).

and I/We<sup>3</sup> ..... hereby declare that the said <sup>4</sup> ..... is/are the inventor(s) in the sense of being the actual deviser(s) of (a substantial part of) the invention, and that the application for the patent is a direct consequence of his/their being such inventor(s) and I/We hereby request that the said <sup>4</sup> ..... be mentioned as such inventor(s) in accordance with Section 28.

A statement setting out the circumstances upon which we rely to justify this request is attached.

My/our address for service in India is :—

Dated this ..... day of ..... 19 ..

<sup>5</sup> To be signed by all the persons making the request.

(Signed)<sup>5</sup> .....

To  
The Controller of patents.  
The Patent Office.

FORM 20.

Fee Rs. 25/-.

THE PATENTS ACT, 1970

*Claim under Section 28(3) (Rule 51)*

(To be accompanied by a copy or copies as required by Rule 48)

State in full name, address and nationality of the claimant.

<sup>1</sup> Insert title of invention.

I<sup>1</sup> ..... hereby declare that I am the inventor in the sense of being the actual deviser of (a substantial part of) the invention entitled<sup>2</sup> ..... in respect of which Application No. .... for patent was made by<sup>3</sup> .....

<sup>3</sup> Insert name and address of applicant or applicants for the patent.

..... on the ..... 19 ..... and that the application for the patent is a direct consequence of my being such inventor, and I hereby claim to be mentioned as such inventor in accordance with section 28(3).

A statement setting out the circumstances upon which I rely to justify this claim is attached together with a copy/copies thereof as required by Rule 48.

My address for service in India is .....

Dated this ..... day of ..... 19 ..

<sup>4</sup> To be signed by the claimant.<sup>7</sup>

(Signed)<sup>4</sup> .....

To  
The Controller of Patents,  
The Patent Office.

FORM 21.

Fee Rs. 25/-.

THE PATENTS ACT, 1970

*Application under Section 28(7) (Rule 52)*

(To be accompanied by copies as required by Rule 52)

<sup>1</sup> State in full name, address and nationality of the person or persons making this application.

I/We<sup>1</sup> ..... hereby declare that<sup>2</sup> ..... ought not to have been mentioned under section 28(7) as the inventor in the sense of being the actual deviser of (a substantial part of) invention covered by Application No. .... dated the ..... 19 ..... and entitled<sup>3</sup> .....

<sup>3</sup> Insert name of the person mentioned as the actual deviser.

Insert title of invention.

and I/We hereby apply for a certificate to that effect.

A statement setting out the circumstances upon which I/We rely to justify this Application is attached together with copies thereof as required by Rule

My address for service in India is.....

Dated this.....day of.....19.....

\* To be signed by all  
persons making the  
application.

(Signed)\*.....

To

The Controller of Patents,  
The Patent Office.

FORM 22.

THE PATENTS ACT, 1970

Fee Rs. 5/-.

*Application for permission for applying for patent outside India  
Section 39*

\*State the title of the I am/We are in possession of an invention for.....  
Invention. ....The specification filed with this app-  
lication describes the nature of the invention/I/We have made  
application for patent numbered.....  
dated.....for the grant of a patent for  
the said invention.

I/We propose to make application for patents in the following  
countries :  
.....

I/We humbly pray that I/We may be granted permission to make  
applications for the said invention in the said countries. The  
reasons for making this application before the conditions specified  
in Section 39(1) of the Act, are as follows:—

I/We hereby declare that the facts and matters stated herein are  
true to the best of my/out knowledge, information and belief.  
Dated this.....day of.....19 .

\*To be signed by the  
Applicant(s).

(Signed)\*.....

To

The Controller of Patents,  
The Patent Office.

FORM 23.

THE PATENTS ACT, 1970

Fee Rs. 50/-.

*Application under Section 44 for Amendment of patent*

(To be accompanied by evidence verifying the statements made  
in this application).

\*State name and address.

I/We .....  
hereby request that Patent No.....

\*State name, address and  
nationality of person to  
whom patent should have  
been granted.

granted to .....  
.....  
may be amended by substituting the name of\*.....  
for the name of the grantee.

My/Our address for service in India is :—

Dated this.....day of.....19 .

\*Signature of the applicants

(Signed)\*.....

To

The Controller of Patents,  
The Patent Office.

## FORM 24.

## THE PATENTS ACT, 1970

Fee Rs. 25/-.

*Application for Direction under Section 51(1)*

(To be accompanied by a statement of case and by copies of the application and statement as required by Rule 59)

<sup>1</sup>State name, address and nationalityI/We<sup>1</sup> .....<sup>2</sup>State the directions sought.hereby apply for the following directions in respect of Patent No.<sup>3</sup> .....

Reasons for making this request :—

My address for service in India is :—

Dated this.....day of .....19 ..

<sup>4</sup>To be signed.

(Signed)\* .....

To

The controller of Patents,  
The Patent Office.

## FORM 25.

## THE PATENTS ACT, 1970

Fee Rs. 25/-.

*Application for Directions under Section 51(2)*

(To be accompanied by a copy and by a statement of case in duplicate);

<sup>1</sup>State name and address of patentee or joint patentees.I (or We)<sup>1</sup> .....<sup>2</sup>State name and address of patentee or joint patentees.hereby apply for directions in respect of the failure of<sup>3</sup> .....<sup>3</sup>State the directions sought.to comply with the directions of the Controller given under Section 55(1) in the following matter<sup>4</sup> .....

My address for service in India is :—

Dated this.....day of .....19 ..

<sup>4</sup>To be signed by the patentee.

(Signed)\* .....

To

The Controller of Patents,  
The Patent Office.

## FORM 26.

## THE PATENTS ACT, 1970

Fee Rs. 100/-.

Request for grant of patent in lieu of a revoked patent under Section 52(2).

<sup>1</sup>State in full name, address and nationality of the applicant (s).I (or we)<sup>1</sup> .....

hereby declare :—

<sup>2</sup>State the name of the High Court.(i) That I (or we) made a petition under Section 64 before the High Court of<sup>3</sup> .....at<sup>3</sup> .....<sup>3</sup>State the place where the High Court or bench thereof is situate......for the revocation of patent No. .... granted/owned by<sup>4</sup> .....<sup>4</sup>State the name, address and nationality of the patentee.(ii) that I (or We) have claimed to be the true and first inventor/ assignee/legal representative of<sup>5</sup> .....<sup>5</sup>State the number and year of the Suit.

the true and first inventor of the invention for which said patent was granted;

<sup>6</sup>State name, address and nationality of the true and first inventor.

(iii) that by judgment and decree (a certified copy whereof duly certified by the said Court is enclosed hereto) in the said suit the said Court has revoked the said patent/directed amendment of the complete specification of the patent by exclusion of Claims .....

thereof, and permitted grant to us of a patent in lieu of the said patent/for the part of the invention excluded by amendment.

(iv) that the facts and matters stated herein are true to the best of my /our knowledge, information and belief.  
We humbly pray that a patent in lieu of the said revoked patent/ for part of the invention excluded from the Complete Specification of the said patent be granted to us.

To be signed by the applicant(s) or his (their) agent (s).

Dated this.....day of .....19 ..

(Signed)\*.....

To  
The Controller of Patents,  
The Patent Office.

FORM 27

THE PATENTS ACT, 1970

Fee Rs. 100/-.

*Request for the sealing of a patent (Section 43)*

<sup>1</sup> State name of applicant or applicants.

<sup>2</sup> Both these numbers to inserted.

<sup>3</sup> The address must be within India.

<sup>4</sup> To be signed by applicant (s) or his /their agent(s).

I/We<sup>1</sup> .....  
request that a patent may be sealed on my/out Application No.<sup>2</sup> .....  
and that the following address in India may be entered on register as my/out address for service in India.  
.....  
.....  
.....

Dated this.....day of .....19 ..

(Signed)<sup>4</sup> .....

To  
The Controller of Patents,  
The Patent Office.

FORM 28

THE PATENTS ACT, 1970

Fee Rs. 25/-.

*Application under Section 43(3) for Extension of the period for making a request for sealing of a patent*

<sup>1</sup> State in full name, address and nationality.

<sup>2</sup> State the reasons.

<sup>3</sup> To be signed by applicant (s) or his /their agent(s).

I/We<sup>1</sup> .....  
hereby apply for.....month (s).....  
extension of the period for making a request for the sealing of a patent upon Application No.....

<sup>2</sup> Reasons for making this request are as follows:—  
.....  
.....

Dated this.....day of .....19 ..

(Signed)<sup>3</sup> .....

To  
The Controller of Patents,  
The Patent Office.

FORM 29

THE PATENTS ACT, 1970

Fee

*Amendment Section 57*

<sup>1</sup> Insert in full name and address of applicant or patentee.

<sup>2</sup> State whether application, specification or drawing.

<sup>3</sup> See note at the foot of the from.

<sup>4</sup> Strike out this paragraph if a patent has not been sealed.

I (or we)<sup>1</sup>.....

seek leave to amend the.....  
of application for Patent No.....dated.....as ..  
shown in red ink in the copy<sup>2</sup> hereunto annexed.

I (or We) declare that no action for infringement or for the revocation of

the patent in question is pending before a Court<sup>4</sup>.

My (or Our) reasons for making this amendment are as follows :—

I (or We) declare that the facts and matters stated herein are true to the best of my ( or our) , knowledge, information and belief.

My (or Our) address for service in India is :—

<sup>a</sup> To be signed by applicant or patentee.

Dated this.....day of .....19

To

(Signed)<sup>a</sup> .....

The Controller of Patents,

The Patent Office.

NOTE:—If the specification has been printed, an officially printed copy shall be used.

\*Before acceptance—Rs.30.00<sup>a</sup>

After acceptance—Rs.60.00

After Sealing—Rs.100.00

FORM 30

THE PATENTS ACT, 1970

Fee Rs. 50/—

*Notice of opposition to an application under Section 57 for Amendment.*

<sup>a</sup> State name, address and nationality.

I/We<sup>1</sup> .....hereby give notice of my/our intention to oppose, under Section 57, the application for amendment of application or specification of application No.....for the following reasons:—

<sup>a</sup> To be signed by the opponent.

Dated this.....day of .....19

(Signed)<sup>a</sup> .....

To

The Controller of Patents.

The Patent Office

FORM 31

THE PATENTS ACT, 1970

Fee See footnote

*Restoration of Patent. Section 60*

<sup>1</sup> Insert in full name, address and nationality of applicant or applicants. I (or We) <sup>1</sup>.....hereby apply for an order of the Controller for the restoration of the patent No<sup>2</sup>

<sup>a</sup> Insert number and date.....granted to.....

<sup>a</sup> State last date when fee was due. The circumstances which have led to the omission to pay the fee of Rs.....on or before the <sup>a</sup>.....day

\* The circumstances of.....are as follows \* :—  
must be stated in detail. ....

I (or We) declare that I (or we) have not assigned the patent to any other person and that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.  
My (or our) address for service in India is .....

\* To be signed by the applicant or applicants. Dated this .....day of.....19  
(Signed) \* .....

To  
The Controller of Patents,  
The Patent Office.

FEE— (a) With application—Rs. 50.00  
(b) Additional fee on restoration.—R. 150/-

FORM 32

THE PATENTS ACT, 1970

Fee Rs.50/-

NOTICE OF OPPOSITION TO AN APPLICATION UNDER SECTION 60 FOR THE RESTORATION OF A PATENT.

(To be accompanied by a copy and a statement in duplicate)

1 State name, address and nationality.

I (or We)<sup>1</sup> .....  
hereby give notice of opposition to the application for restoration of patent No.....for the following reasons :—  
.....  
.....

My address for service in India is—  
.....  
.....

Dated this .....day of.....19.

\* To be signed by opponent.

(Signed)\*

To  
The Controller of Patents,  
The Patent Office

FORM 33

THE PATENTS ACT, 1970

Fee Rs. 50/-

Offer to surrender a Patent Section 63

1 Insert (in full) the name, address and nationality.

I (or We)<sup>1</sup> .....  
.....

\* Insert number and date.

hereby offer to surrender the Patent No. 1.....  
dated the.....granted to  
I (or We) declare that no action for infringement or for the revocation of the patent in question is pending before a court.  
My (or Our) reasons for making this offer are as follows:—  
.....  
.....

I (or We) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.  
My (or our) address for service in India is:—  
.....  
.....

Dated this .....day of.....19.

\* To be signed by applicant of applicants.

(Signed)\* .....

To  
The Controller of Patents,  
The Patent Office

## FORM 34

## THE PATENTS ACT, 1970

Fee Rs. 50/-

*Notice of opposition under section 63 to offer to surrender a patent*

1 State in full the name, address and nationality.

I/We .....  
hereby give notice of opposition to the offer to surrender Patent No. .... for the  
following reasons :—  
.....

My address for service in India is:—  
.....

Dated this ..... day of ..... 19 ..

\* To be signed by the opponent.

(Signed)\* .....

To  
The Controller of Patents,  
The Patent Office.

## FORM 35

## THE PATENTS ACT, 1970

Fee Rs. 50/-

*Application for entry of name or proprietor or part proprietor in Register of Patents Section 69(1).*

1 Insert in full name, address and nationality

I (or We) .....  
hereby apply that you will enter my (or our) name (or name s  
in the Register of Patents as proprietor (or part proprietor) o f

2 Give name and address of person (s) to whom patent was granted.

patent (s) No (s)\* .....  
granted to \*

3 Insert title of invention.

of which the title is \*

I (or We) claim to be so entitled by virtue of\* .....

4 Specify particulars of such document, giving the date, and the parties to the same and showing how the claim here made is substantiated.

.....  
.....

And in proof whereof I (or We) transmit the  
accompanying\* ..... with  
an attested copy thereof,

5 Insert nature of document.

My (or our) address for service in India is :—  
.....  
.....

Dated this ..... day of ..... 19 ..

\* State in what capacity as the signatory is acting. To

(Signed)\* .....

Controller of Patents,  
The Patent Office.

NOTE :—\*If the application is in respect of more than one patent, the numbers thereof as well as the other particulars required may be given in a separate schedule which should be attached to this form.



## FORM 36

## THE PATENTS ACT, 1970.

*Application for entry of notice of mortgage or licence in Register of Patents, Section 69 (1).*

- \* Insert in full name, address and nationality. I (or We) .....  
hereby apply that you will enter in the Register of patents a notice of the following interest:—
- † Insert the nature of the I (or We) claim to be entitled .....  
to an interest in Patent(s) No(s). \* of .....  
granted to ..... of
- ‡ Give name and address of person to whom the patent was granted. ....  
of which the title is .....  
by virtue of .....
- § Insert title of invention. ....
- ¶ Specify the particulars of such document, giving its date and the parties to the same and showing how the claim here made is substantiated. And in proof where of I (or We) transmit the accompanying ..... with an attested copy thereof.
- My (or our) address for service in India: .....  
Dated this ..... day of ..... 19 .....
- ▼ State in what capacity the signatory is acting. (Signed) .....  
To

The Controller of Patents,  
The Patent Office.

NOTE:—\* If the application is in respect of more than one patent the numbers thereof as well as the other particulars required may be given in a separate schedule which should be attached to this form.

## FEE—

In respect of one patent Rs. 25/-.

For each additional patent Rs. 10/-.

## FORM 37

## THE PATENTS ACT, 1970.

Fee see Footnote

*Application under Section 69 (2) by assignor entry of name of proprietor or co-proprietor in the Register of patents.*

- † Insert in full the name and address. I (or We) .....  
hereby apply that you will enter the name(s) of ..... in the Register of Patents as proprietor (or part proprietor) of Patent No. .... \* of which I am/we are the registered proprietor(s).
- ‡ Insert name, address and nationality of persons to be registered. He is/They are entitled to the said patent or to a share therein by virtue of .....  
And in proof where of I/We transmit the accompanying ..... with a certified copy thereof.
- ¶ Specify the particulars of such document, giving its date and the parties to the same, and showing how the claim made is substantiated.

\*Insert the nature of the document. The certified copy should be written, type written, or printed on foolscap paper on one side only.

\* To be signed by the applicant (s) or his their agent (s).

\* State in what capacity the signatory is acting.

My Our address for service in India is :—

The address for service in India of the person (s) to be registered as proprietor or co-proprietor is :—

Dated this ..... day of ..... 19 ..

\* If the application is in respect of more than one patent, the numbers thereof, as well as the particulars required at (2) and (3) above should be given in a separate schedule which should be attached to this Form.

To

The Controller of Patents,  
The Patent Office.

NOTE: FEE (a) In respect of one patent Rs. 25/-.

(b) For each additional patent Rs. 10/-.

FORM 38

THE PATENTS ACT, 1970

Fee See footnote

*Application under section 6(2) by mortgagor or licensor for entry of notice of a mortgage or licence in the register of patents*

1 Insert in full name, and address

2 Insert name, address and nationality of mortgagee or licensee.

3 Insert the nature of the claim, whether by way of mortgage or licence.

4 Specify the particulars of such document, giving its date and the parties to the same.

5 Insert the nature of the document. The certified copy should be written, type written, or printed on foolscap paper on one side only.

I (or We) .....

hereby apply that you will enter in the Register of Patent a notice of the following interest in a patent<sup>2</sup>;

He/They are entitled to .....

to an interest in Patent No. ...., of which I am/we are the registered proprietor(s) by virtue of .....

and in proof whereof I/we transmit the accompanying(s).... with a certified copy thereof.

My/Our address for service in India is :—

The address for service in India of the person(s) to be registered as mortgagee or licensee is :—

\* To be signed by the applicant(s) or his their agent(s).

Dated this ..... day of ..... 19 ..  
(Signed) .....

7 State in what capacity the signatory is acting.

\* If the application is in respect of more than one patent, the numbers thereof, as well as the particulars required at (3) and (4) above should be given in a separate Schedule which should be attached to this form.

To

The Controller of Patents,  
The Patent Office.

NOTE: FEE (a) In respect of one patent Rs. 25/-.

(b) For each additional patent Rs. 10/-.

## FORM 39

## THE PATENTS ACT, 1970.

Fee see footnote

*Application for entry of notification of documents in register of patents, section 69.*

1. Insert a description of the nature of the document, giving the date and the names, addresses & nationalities of the parties hereto. I (or We) transmit herewith an attested copy of ..... under the Patent(s) No(s) ..... as well as the original document for verification, and (or We) apply that a notification thereof may be entered in the Register.

2. Insert full address of the party benefiting under the document. ....  
Dated this ..... day of ..... 19 ..

(Signed) .....  
To

The Controller of Patents,  
The Patent Office.

## NOTE:—FEE—

- (a) In respect of one patent Rs. 25/-.  
(b) For each additional patent Rs. 10/-.

## FORM No.

## THE PATENTS ACT, 1970.

Fee Rs. 5/-

*Notice of alteration of name or an address or and address for service in the register of patents, Rule 77 (1).*

In the matter of Patent No. .... of .....  
1. Insert (in full) name and address. I (or We) .....  
hereby request that ..... name, address (or address for service) now upon the Register of Patents may be altered to .....  
2. Insert name and full address. ....

Dated this ..... day of ..... 19 ..

(Signed) .....  
To

The Controller of Patents  
The Patent Office.

## FORM 41.

## THE PATENTS ACT, 1970

Fee Rs. 10/-

*Request for entry of two addresses for service in register of patents rule 77 (3).*

1. Insert in full name and address. In the matter of Patent No. .... of .....  
I (or We) .....  
hereby request that the two following addresses for service may be entered in the Register of Patents.

1. Insert full address, (a)<sup>1</sup> .....  
 (b)<sup>1</sup> .....  
 Dated this ..... day of ..... 19 .....

(Signed) .....

To  
 The Controller of Patents,  
 The Patent Office.

FORM 42.

THE PATENTS ACT, 1970.

Fee Rs. 15/-

*Request for correction of clerical errors. Section 78.*

1. Insert (in full name, I (or We)<sup>1</sup> .....  
 address & nationality, .....  
 .....  
 hereby request that the following clerical error(s) .....  
 .....  
 .....  
 .....

2. Specify the document in the<sup>1</sup> ..... No. .... of .....  
 in which the error occurs, .....  
 may be corrected in the manner shown in red ink in the official  
 copy of the original<sup>1</sup> .....  
 .....  
 hereunto annexed.

My (or our) address for service in India.

Dated this ..... day of ..... 19 .....

(Signed) .....

To  
 The Controller of Patents,  
 The Patent Office.

FORM 43.

THE PATENTS ACT, 1970.

Fee Rs. 10/-

*Notice of opposition to the correction of a clerical error under section 78.*

(To be accompanied by a copy and a statement in duplicate)

1. State in full name, I/We<sup>1</sup> .....  
 address and nationality, .....  
 .....  
 hereby give notice of opposition to the correction of an alleged  
 clerical error in .....  
 .....  
 which said correction has been applied for by .....  
 .....  
 The grounds upon which the said correction is opposed are as  
 follows:  
 .....  
 .....

My address for service in India is:  
 .....  
 .....

Dated this ..... day of ..... 19 .....

2. To be signed by oppos-  
 nents.

(Signed)<sup>1</sup> .....

To  
 The Controller of Patents,  
 The Patent Office.

## FORM 44.

## THE PATENTS ACT, 1970

Fee Rs. 60/-

*Application for Compulsory Licence, Section 84(1), 96(1), or 97(1)*I/State in full name,  
address and nationality.

I (or We).....

hereby apply for an order of the Controller in respect of Patent No..... for a licence under the Patent to be granted to me (us) on the following grounds:—

.....

.....

The documentary evidence in support of my/our interest and the facts stated above is set out below, copies of which are herewith enclosed

1.....

2.....

3.....

I (We) declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

My (our) address for service in India is: —

.....

.....

Dated this ..... day of ..... 19 ..

(Signed) .....

To

The Controller of Patents,  
The Patent Office.

## FORM 45.

## THE PATENTS ACT, 1970

Fee Rs. 60/-

*Application by the Central Government for Endorsement of Patent  
Section 86(1)*

The Central Government hereby apply for an Order of the Controller in respect of Patent No. .... for the endorsement of the patent "Licence of Right" for the following reasons:

.....

.....

The documentary evidence in support of the applications set out below, copies of which are herewith enclosed.

1.....

2.....

3.....

The Central Government declare that the facts and matters stated herein are true to the best of their knowledge, information and belief.

The address for service is:

.....

.....

Dated this ..... day of ..... 19 ..

(Signed) .....

To

The Controller of Patents,  
The Patent Office.

## FORM 46.

## THE PATENTS ACT, 1970

Fee Rs. 60

*Permit for working Patented Inventions under Section 88(4).*

State name, address and  
nationality of applicant.  
State the title of inven-  
tion.

I (or We).....

hereby apply to work the invention of patent No.....  
granted to..... for the invention  
relating to.....

.....  
 which has been endorsed with the words "Licences of right" under section 86 or is deemed to be endorsed with the words "Licences of right" under Section 87.

I am/We are negotiating with the patentee for a licence under the said patent or

I have applied/shall apply for the settlement of the terms by the controller,

The reasons for making this application are as follows :—  
 .....  
 .....

I hereby declare that the facts and matters stated above are true to my knowledge, information and belief I/we humbly pray that I/We may be permitted to work the invention of the said patent pending agreement with the patentee/decision by the Controller under the terms and condition he may impose.

My/Our address for service in India is :—  
 .....

Dated this.....day of..... 19 ..

\*Signature.

(Signed)\*

To  
 The Controller of Patents,  
 The patent Office.

FORM 47

THE PATENTS ACT, 1970

Fee Rs. 60

*Application under Section 89(x) for Revocation of a Patent*

\*State name and address.

I (or We)<sup>1</sup> .....

hereby apply for the revocation of Patent No.....  
 for the following reasons :—  
 .....  
 .....  
 .....  
 .....  
 .....

State the nature of applicant's interest, the facts upon which he relies and the grounds on which the application is made.

My address for service in India is :—  
 .....  
 .....  
 .....

Dated this.....day of..... 19 ..

(Signed).....

To  
 The Controller of Patents,  
 The Patent Office.

FORM 48

THE PATENTS ACT, 1970

*Application for review of terms and conditions of licence  
 under section 93(5)*

*(To be filed in duplicate with evidence in duplicate)*

\*State in full name, address and nationality.

I (or We)<sup>1</sup> .....

hereby declare that—

- (i) I/We have been holding a licence under Patent No. ....  
 of.....standing in the name of.....;
- (ii) the licence was granted to me/us by the Controller by his order dated..... by the patentee in pursuance of the directions given by the Controller by his order dated.....;
- (iii) the terms and conditions settled have proved to be more onerous than originally expected; and in consequence thereof I was/we were unable to work the invention except at a loss.

I/We hereby declare that the facts and matters stated herein are true to the best of my/our knowledge information and belief.

We pray that the terms and condition may be revised as follows:—

.....

Dated this.....day of.....19 .

<sup>1</sup>To be signed by the applicant.

(Signed)<sup>1</sup>.....

To

The Controller of Patents,  
The Patent Office.

FORM 49

THE PATENTS ACT, 1970

Fee Rs. 50

*Notice of opposition to application under section 93(5)*

<sup>1</sup>State in full name, address and nationality.

I (or We)<sup>1</sup>.....  
hereby give notice of my (or our) intention to oppose :—

\*Strike what is not necessary.

{ (a) Under Section 92(2) the grant of compulsory licence, endorsement of patent or revocation of patent application/Patent No.....  
\* { (b) Under Rule 99, the revision of terms and conditions of licence in respect of Patent No.....  
{ The reasons for making this notice are as follows :—

.....

I/We hereby declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

Dated this.....day of.....19 .

<sup>1</sup>To be signed by the opponents.

(Signed)<sup>1</sup>.....

To

The Controller of Patents,  
The Patent Office.

FORM 50

THE PATENTS ACT, 1970

To be stamped under the Indian Stamp Act.

(See Rule 10)

*Form of Authorisation of Agent in a matter of proceeding under the Act (Section 127)*

<sup>1</sup>Insert full name, address and nationality.

I (or We)<sup>1</sup>.....  
hereby authorise<sup>2</sup>.....  
of .....

<sup>2</sup>Insert name and address of agent (legal practitioner, registered patent agent or a person in the sole and regular employment of the person appointing the agent).

to act as my (or our) agent in connection with<sup>3</sup> .....  
.....and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.

<sup>3</sup>State the particular matter or proceeding for which the agent is appointed giving the reference number if known.

I (or We) hereby revoke all previous <sup>2</sup>authorisations, if any, in respect of the same matter or proceeding. ;

<sup>4</sup>To be signed by the person appointing the agent.

Dated this.....day of.....19 .

(Signed)<sup>4</sup>.....

To

The Controller of Patents,  
The Patent Office.

## FORM 51

Fee Rs. 25

## THE PATENTS ACT, 1970

*Request for certificate, Section 72 and Rule 121*

<sup>1</sup>Insert number and date of patent.

<sup>2</sup>Insert name, address and nationality.

Set out the particulars which the Controller is requested to certify and particulars of any copies of documents which are to be annexed to the certificate.

In the matter of Patent No.<sup>1</sup>.....of.....

I (or We)<sup>2</sup>..... hereby request you to furnish me (or us) with your certificate to the effect that<sup>3</sup> .....

..... and to send the certificate to.....

The purpose for which the certificate is required is as follows:-

Dated this.....day of.....19 ..

(Signed) .....

To

The Controller of Patents,  
The Patent Office.

## FORM 52

Fee Rs. 10

## THE PATENTS ACT, 1970

*Request for information as to a matter affecting a patent or an application therefor. Section 153 and Rule 122*

In the matter of Patent (or Patent application) No.....

<sup>1</sup>Insert name in full

<sup>2</sup>Insert address

I (or We)<sup>1</sup>..... of<sup>2</sup>..... hereby request you to furnish me (or us) with the following information affecting the patent (or patent application) aforesaid :—

<sup>3</sup>Here set out particulars as to the matter in respect of which information is sought.

<sup>4</sup>To be signed by the persons or persons seeking information or by their agent.

Dated this.....day of.....19 ..

To

The Controller of Patents,  
The Patent Office.

## FORM 53

Fee Rs. 50

## THE PATENTS ACT, 1970

*Application for Duplicate Patent Section 154*

<sup>1</sup>Insert in full name, address and nationality.

<sup>2</sup>Insert name of original grantee.

<sup>3</sup>Insert the word 'lost' or 'destroyed' as the case may be and state fully the circumstances. Also state the interest possessed by the applicant or applicants in the patent.

I (or We)<sup>1</sup>.....

regret to have to inform you that the Patent No..... dated..... granted to<sup>2</sup>..... has been<sup>3</sup>.....

I (or We) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or We) beg therefore to apply for the issue of a duplicate of such patent.

Dated this.....day of.....19 ..

(signed).....

To

The Controller of Patents,  
The Patent Office.



FORM 54

Fee Rs. 50

THE PATENTS ACT, 1970

*Application for Registration as a Patent Agent*

(Rule 106)

(To be filed in triplicate)

I beg to apply for registration as a patent agent under the Patents Act, 1970.

<sup>1</sup>Certificate testifying to the character of the candidate should be from a person not related to him and being a district magistrate, a Chief Presidency Magistrate or Chief Administrative Officer of the District where candidate usually resides or any other person whom the Controller thinks fit.

A certificate of character from.....enclosed herewith.

I hereby declare that I am not subject to any of the disabilities stated in clauses (i), (ii), (iii), (iv), (v) and (vi) of rule 109 of the Patents Rules, 1970 and that the information given below is true to the best of my knowledge and belief.

1. Name in full beginning with surname, if any  
(in capital letters) .....

2. Address of the place of residence .....

3. Principal place of business .....

4. Father's name .....

5. Nationality .....

6. Date and place of birth .....

7. Occupation if full .....

8. Particulars of qualifications for registration as a patent agent .....

9. Whether at any time removed from the Register of Patent Agents and if so the reasons for such removal .....

<sup>2</sup>Either original diplomas, certificates and other documents in support of qualifications claimed & copies thereof duly attested by a Magistrate or a Notary Public must be sent with application.

Particulars of experience in a patent agent's office or with a commercial firm of repute may be specified.

I also hereby declare that I have been practising as a patent agent since.....in my own name/under the name and style of.....or with.....and I have filed more than 5 complete specifications in connection with applications for patents a list of which is appended hereto.

Dated this.....day of.....19 ..  
Signature.....

To

The Controller of Patents,  
The Patent Office.

FORM 55

Fee Rs. 50

THE PATENTS ACT, 1970

*Application for the restoration of the name of a person to the Register of Patent Agents (Rule 115).*  
(To be filed in triplicate)

<sup>1</sup>Insert the name and address in full. I .....  
of.....  
hereby apply for the restoration of my name to the Register of Patent Agents in which my name was entered under No.....  
My name was removed on.....under Rule 114  
of the Patents Rules, 1970.

Dated this.....day of.....19 ..

(Signed) .....

To

The Central Government  
Through the Controller of Patents  
The Patent Office.

## FORM 56

## THE PATENTS ACT, 1970

Fee Rs. 10

*Application for alteration of an entry in the Register of Patent Agents (Rule 116)*

(To be filed in triplicate)

<sup>1</sup>Insert name and address in full.<sup>2</sup>Strike out words not applicable.

I <sup>1</sup>.....  
 of.....  
 being a registered patent agent (Registration No.....)  
 hereby request that <sup>2</sup>my name, address of the place of residence  
 address of the principal place of business or qualifications entered  
 in the Register of Patent Agents may be altered as follows :—

Dated this.....day of.....19 ..

(Signed).....

To,  
 The Central Government,  
 Through the Controller of Patents,  
 The Patent Office.

## FORM 57

## THE PATENTS ACT, 1970

Fee Rs. 30/-

*Application for Review of Controller's Decision under Section 77(r)(f) & Rule 89(r)*

(To be filed in triplicate together with a statement in triplicate)

<sup>1</sup>State the number of patent application or patent and the relevant proceeding.In the matter of<sup>1</sup><sup>2</sup>State the name, address and nationality of the applicant.

I (or We)<sup>2</sup>.....  
 being the.....  
 in the above matter hereby apply to the Controller for the review  
 of his decision dated the.....day of.....19 ..  
 in the above matter.

The grounds for making this application are set forth in the accompanying statement.

Dated this.....day of.....19 ..

(Signed)<sup>2</sup>.....<sup>3</sup>To be signed by the applicant or his agent.

To  
 The Controller of Patents,  
 The Patent Office.

## FORM 58

## THE PATENTS ACT, 1970

Fee Rs. 30

*Application for Setting Aside Controller's Decision Under Section 77(r)(g) & Rule 89*

(To be filed in triplicate together with a statement in triplicate)

<sup>1</sup>State the number of patent application or patent and the relevant proceeding.In the matter of<sup>1</sup>.....<sup>2</sup>State the name, address and nationality of the applicant.

I (or We)<sup>2</sup>.....  
 being the.....  
 in the above matter hereby apply to the Controller for setting aside  
 his decision dated the.....day of.....19 ..  
 in the above matter.

The grounds for making this application are set forth in the accompanying statement. #

Dated this.....day of.....19 ..

(Signed)<sup>2</sup>.....<sup>3</sup>To be signed by the applicant or his agent.

To,  
 The Controller of Patents,  
 The Patent Office.

## FORM 59

## THE PATENTS ACT, 1970

Fee Rs. 25

*Request for extension of time under rule*

89

\*State the number of patent or patent application and the relevant proceeding.

In the matter of.....

\*State the name, address and nationality.

I(or We).....

\*Strike out which is not relevant.

hereby apply for extension of time for one month.

- { (i) for filing an application for review of Controller's order under Rule 89(1).  
(ii) for filing an application for setting aside the Controller's order under Rule 89(3).

The reasons for making this request are as follows :—

Dated this.....day of.....19

\*To be signed by applicant or his agent.

(Signed)\*

To

The Controller of Patents,  
The Patent Office.

## FORM 60

## THE PATENTS ACT, 1970

*Statement Regarding working of the Invention of the Patent*  
Section 146(2)

\*State (in full) name, address and nationality.

In the matter of Patent No..... of.....  
I/We.....

the registered proprietors of Patent No.....  
hereby furnish the following statement regarding the working of our patent referred to :—

\*Give whatever details are available.

- { (i) the manner and the extent to which my patent has been worked :  
(ii) the licences and sub-licences granted during the year :  
(iii) details regarding the undertaking through which my/our invention has been worked :  
(iv) the details of collaboration :  
(v) the number of patented articles exported, their value and the parties to whom they have been assigned :  
(vi) raw material, machinery and spare parts imported and their value :  
(vii) sources of technical know-how and remuneration :  
(viii) difficulties faced in working the above mentioned invention :  
(ix) profits and loss incurred during the year ..... in working the same :  
(x) other particulars considered necessary :

The facts and matters stated herein are true to the best of my knowledge, information and belief.

Dated this.....day of.....19

\*To be signed by person(s) giving the statement.

(Signed)\*

To

The Controller of Patents,  
The Patent Office.

## THIRD SCHEDULE

1. Title . . . . . Omit 'Indian Patents and
2. Rule 1 . . . . . In sub-rule (1) Delete 'Indian Patents and'
3. Rule 2 . . . . . (a) In clause (a) Omit 'Indian Patents and'
- (b) In clause (b) Delete 'an invention or' and 'as the case may be
- (c) In clause (c) substitute
- (c) 'Controller' means the Controller General of Patents, Designs and Trade Marks appointed under sub-section (1) of section 4 of the Trade and Merchandise Marks Act 1958,
- (d) In clause (d) substitute
- (d) 'Office' means the Patent Office referred to in Section 74 of the Patents Act, 1970.'

## THE THIRD SCHEDULE (CONCLD)

4. Rule 31 . . . . . In sub-rule (2) delete 'to a patentee or,' and '(Register of Patents or' and 'as the case may be,' or notice of opposition.'
5. Rule 4 . . . . . Omit 'a patentee or', 'patent or the' and 'a patentee'
6. Rule 5 . . . . . In sub-rule (1)—Omit 'grant of patents and', 'Patents and' and proviso.
7. Rule 6 . . . . . Omit Proviso.
8. Rule 7 . . . . . Omit
9. Rules 10—33 . . . . . Omit
10. Rules 49—51 . . . . . Omit
11. Rule 53 . . . . . Omit "a patentee or"
12. Rule 54 . . . . . Omit "to a patent or", "the patent, or" and "as the case may be".
13. Rule 55 . . . . . Omit "of a patent or"
14. Rule 58 . . . . . Omit "of a patent, or".
15. Rule 59 . . . . . Substitute "Registers of Patents and Designs" by "Register of Designs".
16. Rule 60 . . . . . Omit "Patents or"
17. Rule 61 . . . . . Omit "the Register of Patents or" and 'and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22".
18. . . . . Introduce new Rules 61A, 61B and 61C.  
or  
Rule 20 . . . . . Substitute "the grant, or the amendment, etc., of a patent" by "any proceedings under the Act or the Rules"
- Rules 21 and 22 . . . . . Retain.
19. Rule 63 . . . . . Omit "Patents, specification,"
20. Rule 63A . . . . . Omit
21. Rule 64 . . . . . In the proviso omit "for a patent or" and "refused, or, as the case may be,"

## THE FOURTH SCHEDULE

## Model Form of Patent

## GOVERNMENT OF INDIA

## The Patent Office

No. of 19 .

Whereas . . . . .  
hath declared that he is in possession of an invention for . . . . .  
and that he is the . . . . . true and first inventor thereof  
(or the legal representative or assignee of the true and first inventor) and that he is entitled to a  
patent for the said invention having regard to the provisions of the Patents Act, 1970 and that  
there is no lawful ground of objection to the grant of a patent unto him;

And whereas he hath humbly prayed that a patent might be granted to him for the said  
invention;

And whereas he hath by and in his complete specification particularly described and ascer-  
tained the nature of the said invention and the manner in which the same is to be performed.

The Central Government is pleased to order by these presents that the above said petitioner  
(including his legal representative and assignees or any of them) shall subject to the provisions  
of the Patents Act, 1970 and conditions specified in Section 47 of the said Act, as patentee have  
the exclusive privilege of making, using, exercising, selling or distributing the article or substance  
in India/using or exercising the method or process in India for the term of five years/seven years/  
fourteen years from the . . . . . day of . . . . .  
19 . . . . . subject to the condition that the validity of this patent is not guaranteed by  
Government and also provided that the fee prescribed for the continuation of this patent are duly  
paid.

In witness whereof the Central Government has caused this patent to be sealed as of the . . .  
day of . . . . . 19 . . . . .

\*Controller of Patents.

Date of sealing . . . . .

Note : Renewal fee will be due on this patent, if it is to be maintained on the . . . . .  
day of . . . . . 19 . . . . . and on the same day in each year thereafter.

\*Here is to be inserted the name of Controller of Patents.

## THE FIFTH SCHEDULE

*Scale of costs allowable in proceedings before the Controller.*

(Rule 126)

Entry No.	Matter in respect of which cost is to be awarded	Amount
		Rs.
1	For Notice of opposition under sections 25, 57, 60, 63, 78.	50
2	For applications for compulsory licence or endorsement of patents under sections 84(1), 86(1), 89(1), 93(5), 96(1) and 97(1).	50
3	For applications for compulsory licence under section 88(4)	25
4	For notice of opposition under section 92(2) and 93(5)	50
5	For notice of intention to attend Hearing	50
6	Stamps for Power of Attorney, where a professional agent has been appointed.	The amount actually paid.
7	Stamp fee in respect of relevant Affidavits.	-do-
8	For written statement under Rule 37	50
9	For Reply Statement under Rule 38	50
10	For each Affidavit, if relevant	25
11	For each citation, if relevant	25
12	For each unnecessary or irrelevant Affidavit or citation	25
13	For every day or part of a day of Hearing before the Controller	100

[No. F. 33(1)-PP&amp;D/71.]

R. K. TALWAR

*Joint Secretary.*

